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Elena Irrera

**POWER AND WISDOM:  
THE CRAFT OF RULING IN ARISTOTLE'S PHILOSOPHY**

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A thesis submitted to

**The Department of Classics and Ancient History**

University of Durham

In accordance with the requirements for the  
*Degree of Doctor of Philosophy*

2004



- 6 DEC 2004

## **Declaration**

I confirm that no part of the material offered has previously been submitted by me for a degree in this or in any other University.

This thesis is exclusively based on my own research.

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## Abstract

The aim of this thesis is to try to answer the question as to how and to what extent the Aristotelian wise ruler will intervene in the life of the political community with a view to making people and communities better, both when he lives in the best and happiest city and when the polis is far away from the ideal conditions.

I outline what I take to be a plausible account of political activity, in particular from the perspective of people in power, in the light of the most relevant ethical issues discussed by Aristotle in the *Nicomachean Ethics* and the *Politics*: happiness, ethical excellence, wisdom, law, justice and friendship. The idea of power that I intend to emerge is not that of the power of individuals, an exclusive possession of rulers, but of a kind of political activity that requires some kind of involvement of the ruled for its full-fledged actualisation.

In the first half of this work (chapters 1-6) I investigate the aims and methods of the art of the lawgiver, mainly with reference to the ideal polis. I begin by treating the issue of human happiness as the aim pursued by political expertise, and show a possible way in which individual conceptions of happiness may be reconciled with such an aim. Then, I introduce the issue of *phronēsis* as the faculty enabling those in power to set out what forwards happiness, and try to show its relationship with ethical excellence. The issues of law, justice and friendship I treat as expressions of political wisdom; but I insist on political *friendship* as the ideal in the light of which a higher kind of justice might be realised in existing political communities.

In the second half of my work (chapters 7-10) I illustrate how principles of natural justice are variably instantiated in existing political communities and how their instantiation affects the quality of constitutions. I also investigate the possibility of government by wise rulers in imperfect communities and the extent to which Aristotle thinks such rulers may bring about a transformation within them; special regard will be paid to the 'polity', conceived as the outcome of a wise activity of transformation in bad communities.



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## Preface

*Per Aspera ad Astra*

This thesis is the outcome of a PhD programme conducted in the Department of Classics and Ancient History of Durham University, under the supervision of Professor C. J. Rowe.

It is an investigation of ethical and political philosophy, which faces the issue of power from the perspective of relationships between wisdom and political activity in Aristotle's thought. My research was originally intended to cover both Plato's and Aristotle's philosophy, but at the beginning of my second year of PhD I realised that I would have been unable to make room in one work for the thought of both philosophers, and some topics which surely deserve attention would probably have had to be treated in a vague and inappropriate way. I decided, then, to focus on Aristotle's theory not least because, as I believe, his discussion of the legislative art raises some crucial problems of ethical relevance, currently debated in contemporary political philosophy, and makes a significant contribution towards an explanation of the role of political communities in the life of their members.

The two main Aristotelian texts I have made use of in my investigation of Aristotle's ethico-political thought are the *Nicomachean Ethics* and the *Politics*. As for the *Nicomachean Ethics*, Broadie and Rowe's edition (Oxford, Oxford University Press, 2002) has been extremely valuable and illuminating to me, both for the accuracy of the translation and the line-by-line commentary; all the passages of the *Nicomachean Ethics* quoted in this thesis are taken from Rowe's translation. In the first stages of preparation of this work I also made use of

Natali's edition of the *Nicomachean Ethics* with translation and commentary (Bari, Laterza, 1999), which I found very helpful for the interpretation of many Aristotelian arguments. As for the *Politics*, all the passages I have quoted are taken from Barker's translation (Oxford, Oxford University Press, 1948). I also benefited from both Laurenti's (Bari, Laterza, 1997; 4<sup>th</sup> ed.) and Rackham's (Cambridge (Mass.), Harvard University Press, 1977) translations of the *Politics*.

Translations of the other works of Aristotle which I have quoted in this thesis are those of the Revised Oxford Translation of the Complete Works of Aristotle, edited by Jonathan Barnes (II vols.), 1984 (see Bibliography).

The lines of the Greek texts I have quoted are those of Bekker's edition. The abbreviations which I have used to indicate the Aristotelian and works of other authors are the following:

|   |                          |                          |
|---|--------------------------|--------------------------|
| <i>Nicomachean Ethics: NE</i>             | <i>Magna Moralia: MM</i> | <i>Politics: Pol.</i>    |
| <i>Eudemian Ethics: EE</i>                | <i>Topics: Top.</i>      | <i>Rhetoric: Rhet.</i>   |
| <i>Sophistical Refutations: Soph. El.</i> | <i>Metaphysics: Met.</i> | <i>Problems: Probl.</i>  |
| <i>Poetics: Poet.</i>                     | <i>Antigone: Ant.</i>    | <i>Protagoras: Prot.</i> |
| <i>De Anima: De An.</i>                   | <i>Politicus: Plt.</i>   | <i>Republic: Rep.</i>    |

The reader will notice that some Greek words which I have quoted in this thesis have been transcribed in their original form, whereas others have been italicised. I have transliterated some Greek words so as to draw attention to philosophical concepts which I meant to emphasize; I hope that the Greek words left in their original form will help the reader to follow better Aristotle's sentences in relation to the English translation.

I would like to thank all the persons who helped me to bring this thesis into being. I wish to express my infinite gratitude to my supervisor, Professor C. J. Rowe, who gave me the opportunity to engage in such a stimulating intellectual experience, thanking him for his precious suggestions over my research work, for his patience in correcting the form and the content of my thesis and, above all, for his unforgettable, precious moral support. I thank him for being such a great teacher. Needless to say that all remaining mistakes in this thesis are, of course, my own.

I offer thanks to Professor G. Giorgini for his precious advice and for the affection he has shown to me both during my undergraduate studies and during my PhD in Durham.

A more impersonal thanks to the British Academy and Salerno University (Italy) for providing me with the financial support needed to carry out my research.

I am indebted to my parents and my brother Alberto for their love and unconditional support; my thanks to their being my best friends, and for compelling me to believe in my dreams. I would also like to dedicate a special thought to the memory of my beloved grandmother, whose strength in the adversities of life has always represented a great source of inspiration for me. Nonna Rina, I hope you are proud of me.

I wish to express deep thanks to Emiliano Galati, Christian Fantini, Vittoria Ligorio, Francesco Spampinato, Massimiliano Tornabene, Annalisa Savaresi, Carla Vedova, Aikatherini Voursoura and Ugo Zilioli for being such wonderful friends to me, and for their support, despite of physical distance. Many thanks also to Valentina Asciutti, Jonathan Battye, Xanthippe Bourloyanni, Alessandra Ferlesch and Georgios Kampalios for making the last year of my PhD worth remembering. I am deeply indebted to Xanthippe for her precious friendship and also for the stimulating discussions we have had on Plato and Aristotle. A special thank you to Jonathan for

being such a good friend, for his valuable objections to my thesis and for revising my written English.

Last, but not least, I thank Francesco for inspiring every day of my life with his love and tenderness, and for constantly encouraging me to become a better person day after day. It is to him and to my parents that I dedicate my thesis.

**(Word Count: 94271)**

*We live in a political world,  
Wisdom is thrown into jail,  
It rots in a cell, is misguided as hell,  
Leaving no one to pick up a trail*

*... ..*

*We live in a political world,  
The one we can see and can feel,  
But there's no one to check, it's all a stacked deck,  
We all know for sure that it's real.*

Bob Dylan

# Introduction

## Political Expertise and the Aims of the State

’ Αγαπήσατε δικαιοσύνην, οἱ κρίνοντες τὴν γῆν

*Old Testament-The Wisdom of Solomon*

This work is intended to shed light on Aristotle’s view of the role played by wisdom in the exercise of political power, and of the possible ways in which wisdom may be expressed in the running of any community. Power might be regarded as one’s capacity to affect someone else’s actions<sup>1</sup>, or as a form of intervention in the life of the other people which ends up by affecting their behaviour; the notion of power seems to include a wide network of concepts which contribute to its formulation: for instance, authority, domination, repression, coercion, consent, opposition of the ruled to the rulers, and punishment. Such concepts I am not going to handle in my thesis; rather, I will concentrate on the activity of the ruler when it is combined with wisdom and political science. I do not intend to examine bad forms of power and their political effects; reference to corrupt communities will mainly be made in the light of the polis truly grounded in ethical excellence.

Political expertise, which is taken by Aristotle as the ground of the proper exercise of political power, enables its possessors to establish the good for the political association and its members, presumably both in the ideal polis and in imperfect communities<sup>2</sup>. Such an expertise is based on a particular kind of knowledge, i.e. knowledge of the highest good, and operates with a view to its actualisation.

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<sup>1</sup> See M. Foucault, 1994, p. 340.

<sup>2</sup> This idea may find some ground in *Pol.* IV, 1288b22-39, where Aristotle says that it is the business of the political science to study not only the best constitution, but also which constitution is adapted to



In the first part of my thesis (part I: ‘The Role of Excellence in Human Happiness’) I propose to investigate what kind of good is pursued by political expertise and how ethical excellence and wisdom may contribute to its actualisation. I will start by analysing Aristotle’s concept of *eudaimonia* and the way in which individual *choices* in relation to happiness may turn out to be compatible with the highest good as the end of political expertise (cf. Part I, chapter 1: ‘Choosing One’s Own Life. Individual *Eudaimonia* and Political Expertise’). The highest good which political expertise attempts to achieve is of an ethical kind, given that such an expertise deals mainly with fine and just things<sup>3</sup>, and provided that the aim of expert lawgivers is to foster the exercise of excellence among the citizens<sup>4</sup>.

Political expertise, conceived as the science of the ultimate good, is concerned with the direction of men towards a rational life<sup>5</sup>; good human activity, i.e. *eupraxia*, requires a deliberative process leading to decisions: a process in which *phronēsis*, in combination with excellence of character, is deeply involved. In the second chapter of my thesis, then (Part I, chapter 2: ‘Relationships between *Aretē* and *Phronēsis*. How do They Come into Being?’), I will try to explain how education to such *aretai* takes place, and how they interact in the deliberative process forwarding human action.

Wisdom in the rulers, although not differing in kind from wisdom in the ruled, pursues a wider goal than individual happiness, since it aims at the good of the whole polis. Political wisdom expresses itself in the form of laws or, in other words, of an appropriate system of justice capable of educating citizens to virtuous behaviour. The instantiation of justice in political communities is not only a matter of the lawgiver’s

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which people and what is appropriate to the majority of cities, given that for many of them it is impossible to attain the best constitution.

<sup>3</sup> See Aristotle, *NE* I, 1094b14-15.

<sup>4</sup> See Aristotle, *NE* I, 1102a7-10.

<sup>5</sup> See E. Barker, 1959, pp. 243-4.

*phronēsis*, but also requires some kind of virtuous disposition of character on the citizens' part. This will be the object of the second part of my work (Part II: 'Law and Political Justice: Between Individual *Aretē* and Human Interaction'), where I will suggest that *the* law, conceived in the Aristotelian sense, expresses the ethical values which determine a just disposition of character, and, in its turn, a just character will be the source not only of the individual good, but also of the good of other persons, both in private and in public interactions.

In chapter III (Part II, chapter 3: 'Lawfulness and Justice in the *Nicomachean Ethics*'), which introduces the second part of my work, I intend to show that when Aristotle, taking up a commonly held belief, says that the just is what is lawful<sup>6</sup>, he does not seem to be alluding to an uncritical obedience to law. Rather, it seems that the lawfulness Aristotle has in mind is the obedience of people to a kind of law that prescribes activity according to ethical excellence and contributes in this way to the happiness of the whole of the community, i.e. a law established according to the *true* lawgiver's art.

That the ethical values pursued by wise individuals in their private life ought to be instantiated also in political life through obedience to good laws is implied by *NE* V, 1129b30-3, in which Aristotle, while dealing with the notion of justice as lawfulness, claims that justice prescribes complete excellence of character to the highest degree, since the person who possesses it exercises his excellence in relation to other people, and not just by himself; such a view finds support in the common belief that justice is an *allotrion agathon*<sup>7</sup>. I shall deal with the notion of justice as '*allotrion agathon*' in chapter IV (Part II, chapter 4: 'The "Other-regarding" Aspect of Universal Justice'),

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<sup>6</sup> See Aristotle, *NE* V, 1129a34; here Aristotle introduces also a second sense in which justice might be understood: justice as τὸ ἴσον.

<sup>7</sup> See Aristotle, *NE* V, 1130a3-6.

which concludes the second part of my thesis. In this chapter I intend to investigate the relationship between the kind of justice which might be called ‘universal’-insofar as it enjoins the whole of ethical excellence-and the ‘particular’ justice represented by the notion of justice as *isotēs*. My view is that a virtuous act is made into an act of justice only when the agent is an *isos* person, i.e. when he or she does not grasp for the share of goods due to his or her fellow-citizens; in other words, as I believe, *isotēs* is the disposition of character that causes an ethical excellence to become a good performed with a view to other people.

However, the justice which lawgivers try to actualise in political communities is not a sufficient condition for its happiness, unless some kind of friendship is established among the citizens; friendship, which in Book VIII of the *Nicomachean Ethics* is described as a substantial ingredient of individual happiness<sup>8</sup>, turns out to be a vital condition for the correct functioning of political communities, since the trust and mutual well-wishing involved by friendship among citizens is a guarantee of order and stability in the polis. As Aristotle suggests, political friendship is not established without the intervention of expert lawgivers, whose task is to promote friendship even more than justice in the city<sup>9</sup>. I will handle the issue of political friendship in the third part of this thesis (Part III: ‘Political Friendship: a Path to Authentic Justice’); in the first section of this part (Part III, chapter 5: ‘Between Advantage and Ethical Excellence. The Relevance of Friendship in Political Theory’), I will suggest that, in Aristotle’s view, a stable and good *politikē philia* consists of a sort of shared-advantage friendship *pursued according to excellence* and resembling friendship of goodness in some of its particular aspects, such as love of the other, living together and reciprocal trust.

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<sup>8</sup> See Aristotle, *NE* VIII, 1155a4-6.

<sup>9</sup> See Aristotle, *NE* VIII, 1155a23-4.

The form of mutual and intimate love that exists in a friendship based on ethical virtue, and does not exist in the friendship between the citizens of a community, might be replaced by activity according to justice, which, although impersonal, guarantees a good degree of *homonoia*. In chapter VI (Part III, chapter 6: ‘Relationships between Political Friendship and Justice’) I will attempt to show that such a justice will vary according to the degree of ethical excellence of citizens: in bad communities, for instance, it might be mere prudential justice, where fear of punishment prevents people from committing injustice; by contrast, in communities in which lawgivers try to guide citizens to intrinsically virtuous behaviour, justice will be the disposition of character according to which one acts according to one’s inherent ethical values.

The instantiation of justice by lawgivers will vary according to both their personal conception of common happiness and the existing conditions of political communities. Notwithstanding the existence of a wide variety of cities, there will be general principles of political organisation with which every community should comply. In Book V of the *Nicomachean Ethics*, in the context of his discussion of political justice, Aristotle introduces the notion of natural justice, which, unlike the conventional, has the same force everywhere and does not depend on any human decision to accept it or not<sup>10</sup>.

Natural and conventional justice will be the objects of the fourth part of my thesis (Part IV: ‘Nature and Convention. Instantiating Natural Justice in Political Constitutions’). In chapter VII (Part IV, chapter 7: ‘A Justice in the Making. Nature and Convention in Political Justice’) I propose to investigate the relationship between natural and conventional justice, and argue that natural justice consists of indeterminate rules of social expediency and ethically-relevant principles which, if established wrongly, might compromise the social order of the polis. The power of wise lawgivers

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<sup>10</sup> See Aristotle, *NE* V, 1134b18-25.

will consist in finding the appropriate way of instantiating principles of natural justice in their polis, by taking into account its particular conditions and needs. In this respect, even principles of natural justice will involve some kind of conventionality, in that they will be carried out in the form of legislative enactments that differ from community to community.

In chapter VIII (Part IV, chapter 8: ‘The Changeability of Natural Justice’) I will attempt to explain in what sense Natural Justice may be regarded as changeable<sup>11</sup>, with a view to showing that natural justice seems to be conceived by Aristotle as an attainable ideal, not detached from conventional norms, but destined to be instantiated more or less perfectly in existing political communities according to both the capacity of rulers and the existing conditions of the polis. I hope to argue that the best constitution ‘by nature’ is not a transcendent ideal of a constitution, but, simply, the constitution which manages in the best way possible to attain the common happiness for its members through a widespread exercise of ethical excellence, on the part of both rulers and ruled.

The conditions of an imperfect polis and the values underlying its system of justice seem to put severe constraints on the exercise of wisdom; the work of a good ruler will undeniably be affected by the quality of the constitution he governs, given that the task of the ruler is not only to be good, but also to be loyal to his constitution and be capable of preserving it<sup>12</sup>: in a corrupt community, for instance, not only would he be unable to bring about the kind of justice proper to the ideal polis, but he might even be regarded as a bad ruler in case he tried to modify the existing constitution according to his ethical values.

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<sup>11</sup> See Aristotle, *NE* V, 1134b32-3.

<sup>12</sup> See Aristotle, *Pol.* V, 1309a34-5.

In the last part of my thesis (Part V: ‘Political *Phronēsis* in Action’. The Power of The Wise Lawgiver’) I will try to demonstrate that a wise ruler might govern in an imperfect constitution without changing its substantial character, while still transforming it to some extent towards a better condition. In chapter IX (Part V, chapter 9: ‘Political *Phronēsis*: Aims and Methods’) I will attempt to outline the difference between the good citizen and the good ruler, with a view to showing that, unlike any good citizen, whose goodness is relative to the constitution in which he lives<sup>13</sup>, a good ruler will be such by virtue of *phronēsis*<sup>14</sup>: a kind of wisdom which not all the citizens might possess, unless we think of an ideal polis in which all the citizens possess the whole of ethical excellence and know how to apply it in practical life. Finally, in chapter X (Part V, chapter 10: ‘Wisdom in an Imperfect Community: Polity and The Power of the Many’) I propose to describe the Aristotelian ‘polity’ as the kind of constitution which mostly represents the power of a wise ruler to actualise the interest of the whole polis; in the polity wise lawgivers will be capable of balancing the interests of both the rich and the poor, and also of giving rise to a kind of political friendship capable of ensuring some kind of stability.

‘Ruling Wisdom’, then, will be an indispensable element of the power of rulers; their possession of ethical excellence will support the exercise of deliberative activity in political life: through their *phronēsis*, excellent lawgivers will try to realise what forwards the virtuous ends established by them.

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<sup>13</sup> See Aristotle, *Pol.* III, 1276b30-1.

<sup>14</sup> See Aristotle, *Pol.* III, 1277a14-5.

# Part I

## The Role of Excellence in Human Happiness

*Πολλῶ τὸ φρονεῖν εὐδαιμονίας πρῶτον ὑπάρχει*

Sophocles

## Chapter I

# Choosing One's Own Life. Individual *Eudaimonia* and Political Expertise.

### *1.1: Introduction*

In Book I of the *Nicomachean Ethics* Aristotle raises a question of great relevance for the development of his ethical and political theory: what is the best life for a man to lead? Such a question will not be answered unless we turn to contemplate the issues of human good and happiness. A modern reader might be tempted to treat the Aristotelian concept of happiness exclusively in terms of individual wishes, ambitions and preferences; but Aristotle is not adopting any “apolitical” approach to the issue of happiness, and his concern for political expertise and its role in the education of individuals with a view to a happy life is not to be downplayed.

However, the notion of happiness is taken up in Book X, the last of the *Nicomachean Ethics*. Here, Aristotle engages in a persuasive apology of theoretical activity as the one allowing human beings the best and most perfect life<sup>1</sup>, which seems to suggest that the account of *eudaimonia* provided at the beginning of the *Nicomachean Ethics* will be completed and therefore amenable to a full understanding only after having ascertained of the role of *theoria* in his thought. Even more, by handling the issue of happiness precisely at the beginning and the end of the *Ethics*, Aristotle seems to conceive *eudaimonia* as a congenial frame for the exhibition of the theories expounded in this work; happiness, in other words, might be taken as the

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<sup>1</sup> See Aristotle, *NE* X, 1177a12-1178a8.



philosophical horizon in the light of which the rest of the issues treated in the *Nicomachean Ethics* can be understood.

The concept of happiness as set up by Aristotle has been a matter of vigorous debate among scholars. Besides the much controverted problem of a supposed continuity between Book I and Book X<sup>2</sup>, the general lack of a unilateral approach to the various aspects which shape this notion has engendered in the past a plethora of interpretative difficulties and continues to do so in the present, which has probably been the source of a wide-and dismaying, perhaps-variety of readings.

In Book I, for instance, the highest good is described as the object sought by political expertise<sup>3</sup>; such an expertise sets out which of the other expertises are needed for the well-being of the polis<sup>4</sup> and, in Aristotle's view, the task of lawgivers who possess such an expertise is to foster the exercise of excellence among the citizens<sup>5</sup> with a view to both their personal happiness and the happiness of the whole of the community.

On the other hand, happiness seems to be a matter of individual choice, since different people will have different beliefs as to what a happy life is; vulgar people, for

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<sup>2</sup> The problem of the continuity between Books I and X of the *Nicomachean Ethics* will be treated in the course of this chapter. Among the scholars who supported the view of continuity, see S. Broadie, 1991, pp. 370-3; J.M. Cooper, 1987 (where he engages in a revision of the position assumed in J.M. Cooper, 1975, [see below]); D. Devereux, 1981; T.B. Eriksen, 1976, pp. 135-6; R.A. Gauthier and J.Y. Jolif, 1970, vol. II, pp. 891-6; W.F.R. Hardie, 1980, p. 364; R. Heinaman, 1988, p. 32; A. Kenny, 1992, pp. 29-31 (although at p. 36 he detects a lack of continuity between Books I and X with reference to the notion of self-sufficiency); D. Keyt, 1983; R. Kraut, 1989, pp. 4-5; A.O. Rorty, 1980; J.O. Urmson, 1980, pp. 14-15; J. Whiting, 1986. Conversely, doubts about the consistency of Book X with Book I have been lodged by J.L. Ackrill, 1980; A.W.H. Adkins, 1978; D.J. Allan, 1970, p. 139; J.M. Cooper, 1975, pp. 156-64; W. Jaeger, 1948, pp. 439-40; J. Moline, 1983; J.D. Monan, 1980, p. 114; T. Nagel, 1980, p.7; M. Nussbaum, 1986, pp. 373-7; W.D. Ross, 1923, pp. 233-4; N.P. White, 1981, pp. 242-3; and K.V. Wilkes, 1980, pp. 351-2.

<sup>3</sup> See Aristotle, *NE* I, 1094a25-8.

<sup>4</sup> See Aristotle, *NE* I, 1094a28-b2.

<sup>5</sup> See Aristotle, *NE* I, 1102a7-10.

instance, might suppose happiness to be pleasure or honour<sup>6</sup>, whereas people of quality might go for a life of excellence, e.g. a life devoted to political activity or to activity of reflection<sup>7</sup>. Again, the human good can be identified by reference to the *ergon* of human beings<sup>8</sup>, i.e. a typifying activity in virtue of which men are distinguished by the rest of living creatures; as we are going to see, such an *ergon* is identified with activity of reason, so that *to anthrōpinon agathon* will be achieved when a human being performs his own *ergon* well, i.e. according to some kind of excellence. Last, but not least, as I have already said, in Book X the highest form of happiness is identified with a life devoted to theoretical activity, i.e. activity performed according to the divinest part of the human soul in us<sup>9</sup>; a conclusion which, taken at a face value, would end up ruling out any possibility of achieving happiness for those who wish for a different kind of life.

The aim of this chapter is to investigate the Aristotelian notion of *eudaimonia* in the *Nicomachean Ethics* by examining the role of political expertise in the actualisation of individual happiness, and the extent to which the highest good pursued by expert lawgivers for the well-being of the political community is compatible both with individual choice as to how to live one's own life and with the idea of a human *ergon*. I will try to provide evidences for the idea that the highest good which expert lawgivers seek to actualise in the polis is mainly of an ethical kind; a good which, as I propose to demonstrate, will be perfect and complete only when grounded in and supported by theoretical activity.

I will also suggest that happiness, in Aristotle's thought, is not a matter of a systematic composite of different ends, but of the possibility of *choosing* between two

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<sup>6</sup> See Aristotle, *NE* I, 1095a22-3.

<sup>7</sup> See Aristotle, *NE* I, 1095b18-19.

<sup>8</sup> See Aristotle, *NE* I, 1097b22-1098a20.

<sup>9</sup> See Aristotle, *NE* X, 1177a13-17.

different kinds of excellence for the sake of a happy life: the ethical and the intellectual. I intend to demonstrate that men can choose either or both as desirable in themselves, and I also hope to show that, even when the ethical good pursued by political expertise is not sought by individuals as a good of intrinsic value, it is an indispensable component of the human good. Virtuous people may have different conceptions of happiness, whose constitutive components, therefore, will vary according to individual cases. My view is that, although in Book I of the *Nicomachean Ethics* Aristotle stresses the importance of political expertise and of the well-being of the polis, political excellence is not the only kind of excellence conducive to happiness; intellectual activity too may be another possible candidate as the focus of a happy life, as long as it is practised within a political context. In other words, if the chosen life is the intellectual, each individual should make sure that such a choice is compatible with the ‘ethical’ good pursued by the political expertise.

## ***1.2: The Highest Good: Between Political Expertise and Individual Wishes***

Two different aspects contribute to the formulation of Aristotle’s theory of happiness as the highest good: on the one hand, happiness is treated in terms of values, wishes and ambitions pursued by single individuals, depending on various conceptions of what a good life might be; on the other hand, the highest good is presented as the object of political expertise, which plays a substantial role in the setting out of the other kinds of expertise needed for the well-being of the polis.

Aristotle’s concern for the role played by political expertise in the pursuit of human happiness is expressed in Book I of the *Nicomachean Ethics*. He begins by claiming that

«Πᾶσα τέχνη καὶ πᾶσα μέθοδος, ὁμοίως δὲ πρᾶξις τε καὶ προαίρεσις, ἀγαθοῦ τινὸς ἐφίεσθαι δοκεῖ· διὸ καλῶς ἀπεφώνησαντο τἀγαθόν, οὗ πάντ' ἐφίεται»,

i.e., as Rowe translates,

«Every sort of expert knowledge and every inquiry, and similarly every action and undertaking, seems to seek some good. Because of that, people are right to affirm that the good is ‘that which all things seek’»<sup>10</sup>.

As Aristotle explains, there is a certain difference among ends: some are activities, whereas others are products over and above the activities themselves, by their nature better than the activities from which they spring<sup>11</sup>. Goods are not necessarily related to each other; for instance, health, which is the end of medicine, will not have anything to do with the art of shipbuilding and its products, i.e. ships, nor will victory, which is the end of generalship, relate in any way the end of household management; however, there are cases in which some activities fall under some single capacity: the craft of bridle-making, for instance, falls under horsemanship insofar as bridles are tools employed in the latter form of expertise, and horsemanship, in its turn, falls under generalship and will be employed in the art of war<sup>12</sup>.

As Aristotle says,

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<sup>10</sup> Aristotle, *NE* I, 1094a1-2.

<sup>11</sup> See Aristotle, *NE* I, 1094a3-6.

<sup>12</sup> See Aristotle, *NE* I, 1094a8-14.

«ἐν ἀπάσαις δὲ τὰ τῶν ἀρχιτεκτονικῶν τέλη πάντων ἐστὶν αἰρετώτερα τῶν ὑπ’ αὐτά· τούτων γὰρ χάριν κάκεῖνα διώκεται»,

i.e.

«in all activities the ends of the controlling ones are more desirable than the ends under them, because it is for the sake of the former that the latter too are pursued»<sup>13</sup>.

As we can see here, Aristotle is significantly trying to reduce the multiplicity of the ends, but he has not yet explained the reason why some things are more desirable than others, nor the reason of their being worth pursuing. In that case, as Broadie explains,

«we are not yet entitled to conclude to a supreme good. A ‘further good’ would be supreme only if (1) it underpins the goodness of every one of the specific ends; (2) it is unique in having this function (3) there is nothing on which it in turn depends for its value as others depend on it»<sup>14</sup>.

These features will be treated in the rest of Aristotle’s argument, where the highest good is hypothesized as something wished for because of itself and, at the same time, the cause of our wishing the other things:

«Εἰ δὴ τι τέλος ἐστὶ τῶν πρακτῶν ὃ δι’ αὐτὸ βουλόμεθα, τᾶλλα δὲ διὰ τοῦτο, καὶ μὴ πάντα δι’ ἕτερον αἰρούμεθα (πρόεισι γὰρ οὕτω γ’ εἰς

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<sup>13</sup> Aristotle, *NE* I, 1094a14-16.

<sup>14</sup> S. Broadie, 1991, p. 11.

ἄπειρον, ὥστ' εἶναι κενὴν καὶ ματαίαν τὴν ὀρεξιν), δῆλον ὡς τοῦτ' ἂν εἴη τἀγαθὸν καὶ τὸ ἄριστον»,

i.e.

«If then there is some end in our practical projects we wish for because of itself, while wishing for the other things we wish for because of it, and we do not choose everything because of something else (for if that is the case, the sequence will go on to infinity, making our desire empty and vain), it is clear that this will be the good, i.e. the chief good»<sup>15</sup>.

This passage seems to imply that we cannot speak of the goodness proper to those expertises, activities, choices etc. which are pursued for the sake of a higher end unless we hypothesize a *final* end as the point to which all of them must halt; without such an end, every pursuit would be 'empty' and 'vain'<sup>16</sup>.

At *NE* I, 1094a26-b2 Aristotle introduces the notion of political expertise, i.e. the expertise to which the highest good belongs, by stressing its 'architectonic' character:

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<sup>15</sup> Aristotle, *NE* I, 1094a18-22.

<sup>16</sup> See S. Broadie, 1991, p. 13: «What Aristotle is trying to say here is that, unless we have some ultimate end for the sake of which we pursue 'the others', but which itself is pursued for its own sake, our desire would be 'empty and vain', since the pursuit would go on to infinity. My desire must settle at some point because until it does I do not actually desire anything for the sake of which I then desire the things through which I can accomplish it. If I shift along the series discarding each as an ultimate objective in favour of the next, then not only do I form no desire for a particular objective, but my general desire *for good* (whatever the good may be) is 'empty and futile'-not because it cannot be implemented to the maximum, but because it cannot be implemented *at all* unless I fix on some given objective as good, and set about acting for the sake of it»

«δόξειε δ' ἂν τῆς κυριωτάτης καὶ μάλιστα ἀρχιτεκτονικῆς. Τοιαύτη δ' ἡ πολιτικὴ φαίνεται· τίνας γὰρ εἶναι χρεὼν τῶν ἐπιστημῶν ἐν ταῖς πόλεσι, καὶ ποίας ἐκάστους μανθάνειν καὶ μέχρι τίνος, αὕτη διατάσσει»,

i.e.

«It [the highest good] would seem to belong to the most sovereign, i.e. the most 'architectonic' [expertise]. Political expertise appears to be like this, for it is this expertise that sets out which of the expertises there needs to be in cities, and what sorts of expertise each group of people should learn, and up to what point».

The highest good seems to be 'architectonic' in relation to the other goods in the same way as a controlling activity is 'architectonic' in relation to the others.

Political expertise employs the other expertises needed in cities and, presumably, includes them in the organisation of the political community as components of the goods at which it aims. The highest good is not realised by means of expertises which, once the good has been achieved, are dismissed; on the contrary, they are permanently employed in political life-as we might read Aristotle's claim that the architectonic expertise 'makes use of the practical expertises that remain'<sup>17</sup>-so that they will turn out to be a vital part of the organisation of a political community. Accordingly, the end of the most 'architectonic' expertise, i.e. 'the human good'<sup>18</sup>, will contain those of the rest.

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<sup>17</sup> Aristotle, *NE* I, 1094b4-5. Rowe's reading retains 'πρακτικαῖς' at 1094b4.

<sup>18</sup> See Aristotle, *NE* I, 1094b7: 'τὸ ἀνθρώπινον ἀγαθόν'.

That the highest good belonging to the political expertise contains the ends of the goods pursued for its sake seems to show that it is a comprehensive good, i.e. containing the others. Goods like health, for instance, might be desirable in themselves and therefore be regarded as complete goods; but they will not include goods of other kinds, like victory, which is the end of generalship. The highest good, by contrast, is thought to embrace all the different ends pursued by human beings.

Apparently, such a picture of the highest good has very little to do with the idea of a good wished for and chosen by individuals, i.e. an idea which is suggested in the already mentioned *NE* I, 1094a18-19, where Aristotle introduces the notion of a ‘τέλος [...] τῶν πρακτῶν ὃ δι’ αὐτὸ βουλόμεθα’; but in the remainder of his argument he will take up the idea of individual wishes, and try to provide an account of the highest good in which these play a substantial role.

Aristotle is also keen on stressing two features belonging to the highest good: completeness and self-sufficiency. As for completeness, at *NE* I, 1097a28-30 he speaks of a good which is more complete than others, and so most complete:

«εἰ μὲν ἔστιν ἓν τι μόνον τέλειον, τοῦτ’ ἂν εἴη τὸ ζητούμενον, εἰ δὲ πλείω, τὸ τελειότατον τούτων»,

i.e.

«if there is some one thing alone that is complete, this will be what we are looking for, and if there are more such things than one, the most complete of these».



Completeness, here, is introduced in relation to what is worth pursuing for itself and not because of something else:

«Now we say that what is worth pursuing for itself is more complete than what is worth pursuing because of something else, and what is never desirable<sup>19</sup> because of something else is more complete than those things that are desirable both for themselves and because of it; while what is complete *without qualification*<sup>20</sup> is what is always desirable in itself and never because of something else»<sup>21</sup>.

This passage takes up what Aristotle has just mentioned at *NE* I, 1094a18-22; but the notion of desirability, just hinted at by Aristotle in that passage, is here employed in relation to the idea of completeness. Such a notion also appears in the second attribute attached to the highest good: self-sufficiency, which makes life ‘*desirable* and lacking in nothing’<sup>22</sup>.

When Aristotle speaks of the ‘completeness’ of the highest good, we might be tempted to think that he is referring to the end of an impersonal political expertise, in the shape of a pre-established composite of goods provided by all the other practical undertakings, rather than to the end wished for by individuals; again, the notion of self-sufficiency is introduced with reference to man as a part of a political organisation rather than as an individual with personal wishes, given that, as Aristotle says,

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<sup>19</sup> αἰρετόν.

<sup>20</sup> ἀπλῶς τέλειον.

<sup>21</sup> Aristotle, *NE* I, 1097a30-4.

<sup>22</sup> See Aristotle, *NE* I, 1097b14-15: «τὸ δ’ αὐτάρκες τίθεμεν ὃ μονούμενον αἰρετόν ποιεῖ τὸν βίον καὶ μηδενὸς ἐνδεᾶ».

«by ‘self-sufficient’, we do not mean sufficient for oneself alone, for the person living a life of isolation, but also for one’s parents, children, wife, and generally those one loves, and one’s fellow citizens, since man is by nature a civic being»<sup>23</sup>.

Moreover, saying that the highest good is the most desirable and self-sufficient one does not make it clear what kind of good it is.

One possible suggestion might be to read Book I of the *Nicomachean Ethics* in the light of Book A of the *Metaphysics*, where Aristotle introduces the notion of *sophia* in relation to the highest good; understanding the highest good constituted by *sophia* might be useful towards understanding how the notion of highest good is employed in the *Ethics*. It is interesting that in Book A *sophia* is described as the most divine and honourable among the various forms of *epistēmai*<sup>24</sup>, and as a good desirable because of itself, given that people do not seek after it for the sake of something else<sup>25</sup>.

Again, at *Met. A*, 982b4 *sophia* is described as ἀρχικωτάτη δὲ τῶν ἐπιστημῶν and, similarly to political expertise in the *Nicomachean Ethics* (which is described as an architectonic form of expertise<sup>26</sup>), is regarded as

«μᾶλλον ἀρχικὴ τῆς ὑπηρετούσης, ἢ γνωρίζουσα τίνος ἕνεκέν ἐστι πρακτέον ἕκαστον»<sup>27</sup>,

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<sup>23</sup> Aristotle, *NE* I, 1097b8-11; cf. *Pol.* I, 1253a3-4.

<sup>24</sup> See *Met. A*, 983a5, where Aristotle describes *sophia* as ‘θειοτάτη καὶ τιμιωτάτη’.

<sup>25</sup> See *Met. A*, 982b24-8: «δῆλον οὖν ὡς δι’ οὐδεμίαν αὐτὴν ζητοῦμεν χρεῖαν ἑτέραν [...] μόνη γὰρ αὕτη αὐτῆς ἕνεκέν ἐστιν».

<sup>26</sup> See Aristotle, *NE* I, 1094a26-8.

<sup>27</sup> Aristotle, *Met. A*, 982b5-6.

i.e. as ruling over the other sciences that depend on it, given that it knows the end for the sake of which everything is done in nature. As Aristotle goes on to say, the end of each thing is the good, and, in nature as a whole, the end is the highest good:

«τοῦτο δ' ἐστὶ τὰγαθὸν ἐκάστου, ὅλως δὲ τὸ ἄριστον ἐν τῇ φύσει  
πάσῃ»<sup>28</sup>.

The highest good in which *sophia* seems to consist is surely intellectual, given that at *Met. A*, 982b7-10 *sophia* is said to speculate on the first principles and the causes. If so, should we suppose that the highest good pursued by *sophia* is the same as that pursued by political expertise? Now, it is easy to notice some similarity between the *Nicomachean Ethics* and that of the *Metaphysics*, even in their start, given that at *Met. A*, 980a21 Aristotle says that

«Πάντες ἄνθρωποι τοῦ εἰδέναι ὀρέγονται φύσει»,

and the idea of ‘tending’ that emerges here is similar to that expressed at *NE I*, 1094a1, where it is said that every sort of expertise tends to some good<sup>29</sup>; it might be supposed that such a similarity reveals that Aristotle intends to speak of the highest good in the same terms in both works.

However, it seems to me that, unlike in the *Metaphysics*, in the *Nicomachean Ethics* Aristotle’s main interest is not the highest good conceived as a search of causes; as a matter of fact, in the *Metaphysics* nowhere does Aristotle say that the highest good

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<sup>28</sup> Aristotle, *Met. A*, 982b6-7.

<sup>29</sup> The verb employed in the *Ethics* to indicate the activity of ‘tending to something’ is ‘ἐφίεσθαι’.

is sought after by political expertise, nor in the passages of the *Nicomachean Ethics* analysed so far does he mention *sophia* with reference to the highest good. It seems that the exercise of political expertise involves the employment of the other kinds of expertises needed for the well-functioning of the polis, among which are generalship, household management, rhetoric<sup>30</sup>, unlike intellectual activity, which, rather, might presuppose the knowledge of disciplines like mathematics, astronomy and geometry.

As the whole of the *Nicomachean Ethics* shows, ethical excellence and practical thought seem to be the main focus of Aristotle's investigation; that he devotes so much space to issues like ethical excellence, wisdom, justice and friendship reveals that the aspect of the highest good he has in mind is mainly of ethical nature. Although a virtuous state might promote intellectual activity as an important ingredient of its happiness, intellectual activity *per se* will not determine the self-sufficiency of the community. More specific evidence in support of the idea that the highest good pursued by political expertise is of an ethical kind is that at *NE* I, 1102a8-9 Aristotle suggests that the aim of the true political expert is excellence:

«ὁ κατ'ἀλήθειαν πολιτικὸς περὶ ταύτην μάλιστα πεπονῆσθαι»,

i.e.

«the true political expert will have worked at excellence more than anything».

Although Aristotle does not openly say on which kind of excellence the lawgiver is working, the kind of excellence Aristotle seems to have in mind here is ethical, given that what the political expert wants is

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<sup>30</sup> These kinds of expertises are mentioned at *NE* I, 1094b3.

«τοὺς πολίτας ἀγαθοὺς ποιεῖν καὶ τῶν νόμων ὑπηκόους»,

i.e.

«to make the members of the citizen-body good, and obedient to the laws»<sup>31</sup>.

Given that (as we are going to see in chapters III-IV of this thesis) laws are established with a view to the promotion of justice in the polis, it seems that the highest good pursued by political experts is mainly *ethical*.

Again, a passage that seems to confirm such a belief may be found at *Pol.* III, 1280b7-10, where it is said that

«δεῖ περὶ ἀρετῆς ἐπιμελὲς εἶναι τῇ γ' ὡς ἀληθῶς ὀνομαζομένη πόλει, μὴ λόγου χάριν· γίνεται γὰρ ἡ κοινωνία συμμαχία, τῶν ἄλλων τόπῳ διαφέρουσα μόνον τῶν ἀποθεν συμμάχων»,

i.e., as Barker translates,

«any polis which is truly so called, and is not merely one in name, must devote itself to the end of encouraging goodness. Otherwise, a political association sinks into a mere alliance, which only differs in space from other forms of alliance where the members live at a distance from one another».

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<sup>31</sup> Aristotle, *NE* I, 1102a9-10.

Although Aristotle does not specify the kind of *aretē* for which the state should have concern, it seems clear that the *aretē* in question is ethical; it would be unlikely that lack of intellectual excellence would make a community an alliance rather than a true state. By contrast, lack of ethical excellence and justice might cause fellow-citizens to lack reciprocal well-wishing and trust, as though they did not belong to the same community (I will return to this passage in chapters V-VI of my thesis, where I will treat the issue of ethical excellence in relation to the concept of political friendship). Although this passage is not directly connected to the context of human happiness, still it seems to show the main concern of true political experts and, as we know from Book I of the *Nicomachean Ethics*, happiness is pursued by political expertise.

Now, having suggested that the end of political expertise is mainly of an ethical kind, how shall we understand Aristotle's appeal to desirability with reference to the highest good? Or, in other words, how might the idea of the desirability of the highest good be reconciled with the object of a political expertise that supervises the exercise of the other activities? The aim of expert lawgivers is to educate people to wish for such a good as a component of human happiness; still, this might not be the only ingredient of individual happiness. I will now deal with happiness under the perspective of individual choice, and then take up the importance of political expertise as the source of the highest good for the community.

At *NE* I, 1095a20 ff. Aristotle introduces various views held by people about the highest good sought by political expertise. Both ordinary people and people of quality identify the highest good with happiness, but there is a general disagreement on the nature of happiness. Ordinary people usually identify happiness with things like pleasure, wealth or honour, and pick out many other things depending on particular individuals and circumstances; for instance, when a man falls ill, he will seek after health, whereas a poor man will wish for wealth as a source of happiness.

By introducing such a variety of conceptions of happiness, he shows his awareness that people actually choose how to be happy. Their choice will depend on the quality of people. The most vulgar individuals suppose it to be pleasure, which is the reason why they favour the life of consumption<sup>32</sup>; but, besides that, two other outstanding kinds of life are mentioned: the political life and the life of reflection<sup>33</sup>. In this section of Book I, the idea of preference and choice seems to be more prominent. For instance, vulgar people

«decide<sup>34</sup> in favour of a life that belongs to grazing cattle»<sup>35</sup>,

whereas

«those who tend towards a life of action, go for honour»<sup>36</sup>;

Aristotle explains that the values pursued by such people are superficial in that they are not complete and self-sufficient. Honour, for instance,

«seems to be located in those doing the honouring rather than in the person receiving it, and our hunch is that the good is something that belongs to a person and is difficult to take away from him»<sup>37</sup>.

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<sup>32</sup> See Aristotle, *NE* I, 1095b14-17.

<sup>33</sup> See Aristotle, *NE* I, 1095b17-19.

<sup>34</sup> προαιρούμενοι.

<sup>35</sup> Aristotle, *NE* I, 1095b19-20.

<sup>36</sup> Aristotle, *NE* I, 1095b22-3.

<sup>37</sup> Aristotle, *NE* I, 1095b24-6.

As he says in the following lines, excellence is of greater value than any unspecified honour<sup>38</sup>. It seems that, when at *NE* I, 1095b23 Aristotle claims that honour is pretty much the end of political life, he is probably referring to a common belief or, in other words, to the reason why most people decide to engage in political activity, but not to his personal view of political life as a kind of life based on the exercise of ethical excellence.

What Aristotle is looking for, which is at the same time what political expertise should look for, is a good worth desiring, i.e. a good which is the cause of the goodness of the other things pursued by human beings; in that case, a good like wealth, for instance, will never be the highest good: the life of the money-maker is chosen under compulsion of need, and wealth is looked for, for the sake of something else<sup>39</sup>. When Aristotle describes the highest good as the end of political expertise, he does not seem to regard it as an exclusive possession of political experts, given that he devotes wide attention also to what people generally wish for<sup>40</sup>; however, given that the highest good must be the same for each individual and for the polis as a whole, it seems that individual choice of the highest good will not be arbitrary, in that there might be individual conceptions of happiness which do not accord well with the well-being of the state.

In that case, if we want to preserve the view that people might identify their personal happiness with the highest good, we must assume that the end of political expertise should at least be part of their good, if not the whole of it. It might be thought that, in Aristotle's view, the function of political expertise is simply to protect the individual in his personal pursuit of the good, whatever this good is; however, this does

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<sup>38</sup> See Aristotle, *NE* I, 1095b30-2.

<sup>39</sup> See Aristotle, *NE* I, 1096a5-7.

<sup>40</sup> Cf. G. Santas, 2001, pp. 224-5, who calls 'orectic' the good seen under the perspective of human desires.



not seem to be a fundamental concept in his argument on the highest good<sup>41</sup>, given that he is not saying that such an expertise confines itself to providing the conditions for the individual realisation of the highest good; rather, Aristotle claims that the highest good is *the end itself* of political expertise, and such a good is produced through the well-functioning of the polis by means of the other skills involved in the political organisation. This requires that, as Hardie puts it,

«the thinking required for a man's arrangement of his own life is of the same kind, although on a smaller scale, as the thinking of the statesman»<sup>42</sup>.

If we take Hardie's suggestion as plausible, as I do, to see what the main value for the political expert is will enable us to understand what the good for any individual is. As we have already seen in the passage at *NE* I, 1102a7-10, Aristotle claims that the task of the true political expert is to work at excellence so as make the citizens good and obedient to the laws, and, as I propose, such a kind of goodness is an 'ethical' one. Aristotle is not saying that some degree of ethical activity is required of citizens for the well-functioning of the whole polis; rather, what he intends to show is that happiness is realised only when the citizens are made good individuals through the laws, presumably laws which prescribe a virtuous behaviour. If the happiness of the community is the same as the happiness of its members taken individually, exercise of ethical excellence turns out to be an indispensable aspect of human happiness.

This conclusion, as I will try to show in the next section of this chapter, does not seem to be incompatible with the idea that theoretical activity allows the best and the most complete life; nor-as I think-does it conflict with the thought that there might be

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<sup>41</sup> See S. Broadie, 1991, pp. 16-17.

<sup>42</sup> W.F.R. Hardie, 1980, p. 17.

different individual preferences as to what the highest good should be. That ethical activity is an indispensable ingredient of human happiness does not necessarily entail that it is its *only* ingredient. Some people, for example, might go for intellectual activity as intrinsically preferable to ethical activity, provided that the pursuit of it is compatible with the ethical good of the polis or, at least, does not undermine it. As I am going to explain in the following section, my view is that-in Aristotle's thought-even when activity according to ethical excellence is not regarded by everyone as the highest good in all its completeness, ethical good should always be part of human *eudaimonia*, and it might even be desirable in itself, without this preventing intellectual activity from being pursued because of themselves.

### ***1.3: Two candidates for Human Happiness: Theoretical and Ethical Excellence***

We have seen how Aristotle, after describing the highest good as the end of political expertise, shifts his attention to an idea of happiness which seems to be more connected to human wishes and choices. Under this perspective, the highest good might be viewed as the end in the light of which human choices can be explained and valued<sup>43</sup>.

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<sup>43</sup> See A. Kenny, 1992, p. 3: «To explain a choice, an agent will have to specify the good pursued. In doing so, he will show how his action is related, directly or indirectly, to an ultimate end. Asked to give a reason for an action, an agent may either explain that the action is a means to some end, or say that it is valued for its own sake». Cf. R. Kraut, 1989, p. 201: «To determine which goods are for the sake of which others, we must go beyond purely causal questions about which goods produce which others; we must ask what the appropriate norms are for regulating our activities»; and p. 208: «The only way to make decisions about the relative weights of various ends is to use that highest good as the target of all our actions. So it is not merely the best of all goods-it is also the standard by which we fix the value of all else».

So far, the Aristotelian notion of happiness has been examined in the light of three formal properties: (i) its being the ultimate end of all actions and pursuits; (ii) completeness and (iii) self sufficiency; now we need to see what ingredients are constitutive of the highest good. In this section of the chapter I will try to complete the Aristotelian account of the highest good by introducing his view of happiness as activity according to some kind of excellence. It seems that, in Aristotle's thought, two excellences might be chosen as desirable in themselves with a view to a happy life: the intellectual and the ethical, the latter including both the activity of common citizens and the political activity of true political experts, who need to make use of all the ethical excellences in their exercise of power.

In order to argue for my thesis, I will start by showing that the completeness and self-sufficiency proper to the highest good are not a matter of including all the other goods, but, rather, of intrinsic desirability and, to some extent, of individual choice. In that case, the highest good would be something *indeterminate* in Aristotle's view.

A passage which I believe is indicative of some indeterminacy is *NE* I, 1097b1-6, where Aristotle claims:

«this [happiness] we do always choose because of itself and never because of something else, while as for honour, and pleasure, and intelligence, and every excellence, we do choose them because of themselves (since if nothing resulted from them, we would still choose each of them), but we also choose them for the sake of happiness, supposing that we shall be happy through them. But happiness no one chooses for the sake of these things, nor in general because of something else».

As I read this passage, Aristotle here mentions honour, pleasure, intelligence and the other excellences only as possible examples of things with which people may identify

their own happiness, and not as fixed ingredients of it. The idea of a certain kind of indeterminacy might also be supported by *NE* I, 1095a20-6 and 1095b14-b23, whereas we have already seen-Aristotle illustrates different kinds of life and of dominant values varying according to the quality of people. But (as I have already suggested, without developing this hypothesis), such beliefs he intends to dismantle, with a view to showing that the highest good-differently from what people of a certain quality might believe-is activity *of reason according to some kind of excellence*, even if we admit, as I do, that-in Aristotle's view-individuals of whatever kind aim at happiness<sup>44</sup>.

When I claim that Aristotle's concept of happiness is *to some extent* indeterminate, the indeterminacy to which I refer is not concerned with the idea that people of different quality may have different conceptions of happiness. Rather, the indeterminacy I would like to stress has to do with the possibility of choosing between a life in which either ethical/political or theoretical activity plays a dominant role. I hope my point will emerge more clearly in the last part of this section, where I will try to reconcile the idea that the highest good is mainly ethical with the Aristotelian view that the best life is activity in accordance with practical reason.

Let us now take up *NE* I, 1097b1-6, and examine a second difficulty. It is interesting that the goods pursued for the sake of the highest one do not seem to be mere means to its achievement, since they are chosen at the same time because of themselves. It might be wondered how some things are pursued both because of

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<sup>44</sup> Whether *eudaimonia* is the end for whose sake all action *is* undertaken (which is called by J. McDowell 'indicative thesis'; see J. McDowell, 1980, p. 1) or that for whose sake all action *ought* to be undertaken ('gerundive thesis') is a question still open to debate. See for instance A. Kenny, 1977, who supports the gerundive thesis, vs J. McDowell. See J. McDowell, 1980, p. 2: «Aristotle himself has a specific view about what kind of life constitutes *eudaimonia*. He certainly does not hold that everyone aims to lead *that* kind of life. But this yields no argument against attributing to him a thesis like (i) [i.e. the gerundive]». At p. 1, with reference to *NE* I, 1102a2-3 (where Aristotle says that «it is for the sake of happiness that we all do everything else we do»), he suggests that «there seems to be no prospect of taking this to express a gerundive thesis».

themselves and for the sake of a higher good. In my view, this is possible if and only if such goods are *components* of the highest good; in other words, the goods desired for the sake of the highest one would not be merely instrumental to it, but they would contribute to shaping it, in the same way as the activities pursued for the sake of political expertise are not instrumental to it but are included as parts of political life and determine its organisation.

The absence of a list of specific goods belonging to human happiness has puzzled scholars, who have proposed different solutions to the problem; still, two main lines of thought might be identified: the inclusivist and the ‘monolithic’ or ‘dominant’<sup>45</sup>. As Ackrill explains, those who embrace the first tendency assume that the Aristotelian highest good includes a compound of values and activities of different kind, as he himself does in thinking that *eudaimonia* necessarily includes every valuable activity<sup>46</sup>; on the face of it, those who support the idea of a dominant end suppose the highest good to consist of just one valuable activity or good: either intellectual<sup>47</sup> or practical activity<sup>48</sup>.

I believe that both views on human happiness are in a way incorrect. On the one hand, were we to follow the inclusivist view as Ackrill conceives it, we would probably do violence to the Aristotelian view of happiness. Nowhere in the *Nicomachean Ethics*

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<sup>45</sup> The terminology which distinguishes ‘inclusive end’ from ‘dominant end’ was introduced by W.F.R. Hardie, 1965, p. 291.

<sup>46</sup> See J.L. Ackrill, 1980, p. 22; cf. D. Devereux, 1981; T.H. Irwin, 1985 and 1986; M. Nussbaum, 1982; A.W. Price, 1980.

<sup>47</sup> Among the representatives of the ‘intellectualist’ view see A.W.H. Adkins, 1978; J.M. Coope., 1975 (but he will support a form of inclusivism compatible with the idea of a dominant end in J.M. Cooper, 1987); W.F.R. Hardie, 1965 (but he will slightly revise his theory in W.F.R. Hardie, 1979, p. 42, where he points out that to acknowledge the ‘dominance’ of a single end is not incompatible with an inclusive view); R. Heinaman, 1988; A. Kenny, 1977 (cf. A. Kenny, 1992, where he attempts to argue that in the *Nicomachean Ethics* Aristotle proposes a dominant view of happiness, whereas in the *Eudemian Ethics* an inclusive view); D. Keyt, 1978; R. Kraut, 1989; G.R. Lear, 2004; T. Nagel, 1972.

<sup>48</sup> See J.O. Urmson, 1989.

does Aristotle seem to list the valuable goods included within happiness<sup>49</sup>; moreover, happiness would be achieved only in the case that all the goods it supposedly includes are pursued over an entire life.

A lucid refutation of Ackrill's arguments is provided by Kraut, who, in his work *Aristotle on the Human Good* criticizes his belief that

«happiness should not be identified with any single good such as ethical activity, or contemplation, or honor, or pleasure. For any such good is just one among many, and no matter how desirable it may be, it is always less desirable than the combination of that good and some other»<sup>50</sup>.

As Kraut points out, those commentators who, like Ackrill, support an inclusivist view, try to justify their position by appeal to the attributes of completeness and self-sufficiency attached to the highest good in *NE* I, 1097b14-20, where happiness is described as choiceworthy and in need of nothing<sup>51</sup>. But if we assumed that happiness is something desirable in itself and lacking in nothing, even the lack of one good would make its achievement impossible for any individual. Even more, we would not be able to explain the reason why Aristotle resorts to the notion of a human *ergon* in order to explain what the human good is, and his praise of the superiority of contemplative life with reference to the concept of *eudaimonia* in Book X would turn out to be pointless.

The 'dominant' view, on the other hand, precludes the possibility of taking more than a single good or activity as desirable in itself. For instance, were happiness

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<sup>49</sup> See S. White, 1990, quoted by A. Kenny, 1992, p. 28.

<sup>50</sup> R. Kraut, 1989, p. 267.

<sup>51</sup> See R. Kraut, 1989, p. 267. See also A. Kenny, 1992, p. 24. According to the majority of supporters of the 'dominant' view, the notions of completeness and self-sufficiency contribute to show the inherent perfection of intellectual activity.

determined by a single, prominent ingredient like contemplation, we should exclude ethical activity as an essential component of happiness. Again, according to the dominant view, the so-called ‘external’ goods (e.g. health, wealth or good luck), which might be taken as ingredients of a happy life (although not in the same way as virtuous activity)<sup>52</sup>, would surely be ruled out from the notion of *eudaimonia*.

As I believe, the so-called ‘function argument’, (which has been the subject of broad disagreement among commentators<sup>53</sup>) turns out to be crucial in our attempt to find out what the highest good really is. At *NE* I, 1097b25-8 Aristotle expresses his intention to investigate happiness as a human good; in his view, the definition of happiness will come about only once the function of human beings has been established. By ‘function’ (*ergon*) he seems to mean a typifying activity, based on some kind of expertise or excellence, which expresses the nature of particular individuals or things; he mentions as examples of specific functions those of the flute-player, the

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<sup>52</sup> The role played by external goods in the pursuit of a happy life in Aristotle’s thought is not clear, and still open to dispute. Supporters of the inclusivist view hold them to be components of a happy life (see for instance J.L. Ackrill, 1980; J.M. Cooper, 1987; T.H. Irwin, 1985; and M. Nussbaum, 1986. Conversely, those commentators who subscribe to a ‘dominant’ view of happiness take external goods as conditions of, rather than ingredients of happiness. A different position is held by J. Annas in Sherman (ed.), 1999. Annas maintains that Aristotle fails to reconcile the role played by external goods in the pursuit of happiness with his own theory of *eudaimonia*, whose core is represented by virtuous activity. My personal view is that, in Aristotle’s theory, external goods are necessary conditions of, but not the core of happiness. See for instance Aristotle, *EE* I, 1214b14-17, where it is claimed that, just as being healthy is not the same as the things without which it is not possible to be healthy, so living well is not the same as the things without which living well is impossible.

<sup>53</sup> A list of commentators who tried to analyse this argument is provided by G. Santas, 2001, at p. 236. Santas mentions J.L. Austin, 1967, and J.M. Cooper, 1975, who believe that Aristotle engages in an unnecessary and too abstract argument, whereas T.H. Irwin, 1985, and W.F.R. Hardie, 1980, are presented as supporters of the view that the function-argument is devised by Aristotle just to express ‘his own view’ of happiness; finally, G. Anagnostopoulos, 1980, and D. Keyt, 1983, maintain that the function argument is a central piece in Book I. The same position, to which I subscribe, is maintained by Santas, 2001, and R. Kraut, 1989.

sculptor and any expert, but also the function of each part of the body<sup>54</sup>. In the same way, he is looking for the specific function that belongs to human beings *qua* human beings; as he says at *NE* I, 1097b25-33:

«just as for a flute-player, or a sculptor, or any expert, and generally for all those who have some characteristic function or activity, the good-their doing well-seems to reside in their function<sup>55</sup>, so too it would seem to be for the human being, if indeed there is some function that belongs to him. So does a carpenter or a shoemaker have certain functions and activities, while a human being has none, and is by nature a do-nothing? Or just as an eye, a hand, a foot, and generally each and every part of the body appears as having some function, in the same way would one posit a characteristic function for a human being too, alongside all of these?».

The human function will not consist either in taking in nutriment and growing, which is typical of plants, or in a kind of life of perception, which is proper to animals<sup>56</sup>. The sort of life that remains as characteristic of human beings is the life of what possesses reason; of this, as he says, one element ‘possesses reason’ insofar as it obeys reason, whereas the other actually has it<sup>57</sup>.

The Aristotelian argument so presented raises some essential problems: how can men have functions? Are they designed for a purpose? And, even if they did, how would this coincide with what is good for them<sup>58</sup>? A Reasonable answer to the first two questions is provided by Santas, who maintains that the idea of a human function is

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<sup>54</sup> See Aristotle, *NE* I, 1097b25-6; 1097b30-1.

<sup>55</sup> ἐν τῷ ἔργῳ δοκεῖ τὰγαθὸν εἶναι καὶ τὸ εὔ.

<sup>56</sup> See Aristotle, *NE* I, 1097b33-1098a3. Cf. *De An.* I, ch. 1; *De An.* II, ch. 4; *De An.* III, ch. 9.

<sup>57</sup> See Aristotle, *NE* I, 1098a3-5.

<sup>58</sup> See J. Whiting, 1988, p. 33.



indebted to Aristotle's biological and psychological investigations. On Santas' view, the human function is not to be understood in terms of roles and occupations but, rather, in terms of characteristics, capacities or potentialities of an object; for example, the notion of function is applied in Aristotle's biology to organs of animals without ever making any appeals to a designer of animals or their parts<sup>59</sup>.

I also suggest that the notion of '*ergon*', expressing some kind of functionality, is connected to Aristotle's concern for human activity, and not for excellence as a mere possession. As he points out at *NE* I, 1095b31-1096a2, when he speaks of the different kinds of life chosen by different people,

«excellence [too] appears somewhat incomplete: for it seems to be possible actually to be asleep while having one's excellence, or to spend one's life in inactivity, and furthermore to suffer, and to meet with the greatest misfortunes; and no one would call the person who lived this kind of life happy, unless to defend a debating position».

Given all this, it seems that Aristotle is moving here from the notion of 'human *ergon*' to that of 'human good'; what he is going to show in the remainder of his argument (which will enable us to answer the third question formulated above) is that the human good will be achieved only when the distinctive function of human beings is practised *well*. As I believe, the idea of a human *ergon* is a necessary, but not a sufficient condition for the understanding of what the human good is<sup>60</sup>. As Aristotle points out at *NE* I, 1098a7-8, the function of a human being is

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<sup>59</sup> See G. Santas, 2001, pp. 241.

<sup>60</sup> For a similar view see A. Gomez-Lobo, 1989; at p. 171 of his article he criticizes Wilkes' view that the *ergon* of a man has itself the criterion for determining the value of actions and/or persons (cf. K.V. Wilkes, 1980, p. 343). Conversely, at p. 176 Gomez-Lobo maintains that «in order to identify a good *F* (or the goodness for *Fs*) two logically distinguishable steps must be taken: first, the *ergon* of *Fs* has to be

«activity of soul in accordance with reason, or not apart from reason»<sup>61</sup>,

and only at *NE* I, 1098a16-18, where it is claimed that:

«τὸ ἀνθρώπινον ἀγαθὸν ψυχῆς ἐνέργεια γίνεται κατ' ἀρετὴν, εἰ δὲ πλείους αἱ ἀρεταί, κατὰ τὴν ἀρίστην καὶ τελειοτάτην»,

i.e.

«the human good turns out to be activity of soul in accordance with excellence (and if there are more excellences than one, in accordance with the best and the most complete)».

It seems that, when Aristotle claims that the human function is activity according to excellence, he is not confining himself to investigating a feature that makes mankind different from the rest of living creatures; rather, he seems to be looking for the highest degree of excellence achievable by men just by virtue of their human nature, while being conscious that many individuals are engaged in inferior kinds of occupation. However, such a definition does not provide any further details as to what kind of excellence should be pursued in order to live a happy life, nor does it explain what Aristotle means by 'completeness' when he says that happiest will be the life according to the most complete excellence.

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ascertained in a non-evaluative manner, and then, an evaluative judgement as to what counts as a good performance of that *ergon* has to be passed. This latter judgement is equivalent to finding the *arete* or *aretai* corresponding specifically to the class of *Fs*. The *ergon* and the good are not strictly identical».

<sup>61</sup> ἐνέργεια κατὰ λόγον ἢ μὴ ἄνευ λόγου.

Two kinds of excellence-in Aristotle's view-might be regarded as mostly desirable in themselves and self-sufficient: the intellectual and the ethical; both kinds of excellence seem to accord with the human function. As he explains at *NE* I, 1103a3-7, these kinds stem from the two rational aspects of different kinds that are proper to human soul: a part which participates in reason and another which possesses reason fully.

As for theoretical excellence, that it might be identified with human happiness is explicitly said at *NE* X, 1177a12-17, where it is also described as an excellence of the highest kind:

«But if happiness is activity in accordance with excellence, it is reasonable that it should be activity in accordance with the highest kind<sup>62</sup> and this will be the excellence of what is best. Whether, then, this is intelligence or something else, this element that is thought naturally to rule and guide, and to possess awareness of fine things and divine ones, -whether being, itself too, something divine, or the divinest of the things in us, it is the activity of this, in accordance with its own proper excellence, that will be complete happiness».

It is interesting that, when he introduces theoretical excellence, he explicitly refers to *what was said earlier* (προειρημένον)<sup>63</sup>, as though he meant to establish some continuity between Book I and X of the *Nicomachean Ethics*; that this is his real intention is confirmed by the following lines, where-once again-he says that happiness is not a disposition but a kind of activity, and that it is desirable in itself and self-sufficient. As Aristotle explains at *NE* X, 1177a17-22, theoretical activity is the

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<sup>62</sup> κατὰ τὴν κρατίστην.

<sup>63</sup> Aristotle, *NE* X, 1176a32-3.

highest<sup>64</sup> because intelligence too is the highest of human things, and its objects are the highest knowables; moreover, it is taken as the most continuous<sup>65</sup>, probably because, more than practical activities, it involves a minimal physical effort<sup>66</sup>.

It might be concluded, then, that Aristotle believes the most complete happiness to be activity accordance with intellectual, and not with ethical activity, which in Book X is regarded to bring about the ‘second happiest’ life<sup>67</sup>. As he explains, just things and all the other kinds of things we do according to various ethical excellences appear to be human, and many of them require the body rather than the highest part of the soul; moreover, ethical excellence seems to be bound up with the affective states rather than with the *nous*<sup>68</sup>. Again, theoretical excellence seems to be more self-sufficient than ethical activity, since the latter involves decisions or doings, as is required by a fully human life<sup>69</sup>, whereas the former might be practised in isolation and does not need the cooperation of other human beings.

Shall we conclude, then, that Aristotle takes intellectual activity as the only, dominant end in human life? According to my reading, that intellectual excellence is taken as the best and the most complete, and the one capable of guaranteeing the best life, does not allow us to claim that he does. After all, at the beginning of his account of *eudaimonia* he presents his inquiry on the highest good as ‘political’<sup>70</sup>, and, as we have seen, the highest good is the object of political expertise, the aim of those who possess such an art being to make the citizens ethically good and obedient to the laws. Again,

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<sup>64</sup> κρατίστη.

<sup>65</sup> συνεχεύατη.

<sup>66</sup> Cf. Broadie’s commentary of the passage, p. 442.

<sup>67</sup> See Aristotle, *NE* X, 1178a9: Δευτέρως δ’ ὁ κατὰ τὴν ἄλλην ἀρετὴν.

<sup>68</sup> See Aristotle, *NE* X, 1178a10-16.

<sup>69</sup> See Aristotle, *NE* X, 1178a34-b7.

<sup>70</sup> See Aristotle, *NE* I, 1094b10-1.

there seem to be some ingredients of happiness, e.g. friendship<sup>71</sup>, which are strictly related to ethical goodness and do not have to do with contemplation.

To the alleged superiority of intellectual to ethical activity one might object that, when Aristotle asserts the superiority of theoretical activity to the ethical/practical in relation to a happy life, he seems to be stressing more the *divine* character of theoretical activity than the human character of the highest good<sup>72</sup>. To this hypothetical objection it might be replied the nature of man is to make himself similar to the gods as far as possible, just in virtue of his capacity to engage in contemplative activity.

Moreover, although in Book X theoretical activity is claimed to be more self-sufficient than the practical, since the person engaged in reflection does not need the things necessary to carry an action through, it seems that even in practical activity a degree of self-sufficiency will be provided; political expertise, which sets out which of the other expertises are needed in the polis, might make life of each member of the community self-sufficient through a fair distribution of functions according to each individual's competence, and to this self-sufficiency also activity of citizens according to justice will contribute. In other words, although individuals by themselves are not self-sufficient, still their belonging to the political community will provide them with the necessary sources for their pursuit of ethical excellence.

In that case, ethical excellence, just like the intellectual, might be constitutive of human happiness, although in a different way from the theoretical. As for political activity, which I take as a form of 'activity according to ethical excellence', that it is the activity to which the highest good belongs shows that it has to do with the most complete among practical goods; moreover, that at *NE* I, 1094a26-7 it is defined as the

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<sup>71</sup> See *NE* VIII, 1155a5-6, where Aristotle says that nobody would choose to live without friends.

<sup>72</sup> See Aristotle, *NE* X 1177b30-1.

most sovereign expertise, i.e. the most ‘architectonic’<sup>73</sup>, might lead us to think that it falls under the notion of ‘most complete activity’ introduced in the definition of human happiness. That political activity is more complete than other activities is confirmed at *NE* I, 1094b8-10, where Aristotle says that to achieve the good for a whole city is ‘finer and more godlike’ than doing it for one’s own good.

Likewise, even without being political experts, common people might practise an ethically virtuous life and live according to the most complete: i.e. justice. That justice is regarded by Aristotle as a more complete excellence than others is confirmed at Book V of the *Nicomachean Ethics*, where he suggests that it is

«complete excellence, only not without qualification but in relation to another person»<sup>74</sup>.

As he goes on to say at *NE* V, 1129b30-3, justice is regarded as the mightiest of excellences:

«it is complete excellence to the highest degree because it is the *activation*<sup>75</sup> of complete excellence; complete, too, because the person who possesses it has the capacity to put his excellence to use in relation to another person as well, and not just by himself».

As we see, Aristotle describes justice as a disposition capable of ‘activating’ the rest of the ethical excellences, as he confirms at *NE* V, 1129b29-30 when he quotes the

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<sup>73</sup> κυριωτάτη καὶ μάλιστα ἀρχιτεκτονική.

<sup>74</sup> See Aristotle, *NE* V, 1129b25-7.

<sup>75</sup> χρήσις.

saying 'justice gathers in excellence entire'. In this respect, activity according to justice will be more complete than activity according to just a few of the ethical excellence it includes; when at *NE* I, 1098a16-17 Aristotle says that happiness is activity of soul according to excellence, we might suppose him, then, to be referring to some individual excellence like courage, generosity etc.; but then, when immediately he adds that 'if there are more excellences than one, in accordance with the best and the most complete', it might be just that he has in mind, insofar as it includes all the ethical excellences and not just few of them.

If so, what is happiness? Should it be identified with a life whose dominant character is the intellectual, or with a life devoted to ethical/political activity? Or, finally, does it consist of a life in which both kinds of excellence are practised as intrinsic goods? I believe that the solution to this problem lies in the indeterminate character attached by Aristotle to the notion of happiness: happiness seems to be a good which involves human choice. That in Book I neither the contemplative nor the practical excellence are explicitly introduced as 'the most complete excellence'-besides being due to the provisional character of the account of the highest good provided at the beginning of the *Nicomachean Ethics*-might entail that a margin of freedom is given to us as to which life is desirable to lead because of itself.

Confirmation of the indeterminate character of happiness may be found in Book VII of the *Politics*, where Aristotle engages in an investigation of the best state, i.e. the state that should promote the happiest life. At *Pol.* VII, 1324a23-5 he says:

«There is one thing clear about the best constitution: it must be a political organization which will enable all sorts of men to be at their best and live happily»;

but, as he goes on to say at *Pol.* VII, 1324a25-9, there seems to be disagreement as to what kind of life is the most desirable:

«But if that is clear, there is another point on which opinions diverge. Even those who agree in holding that the good life is most desirable are divided upon the issue, ‘Which way of life is the more desirable? The way of politics and action<sup>76</sup>? Or the way of detachment from all external things-the way, let us say, of contemplation<sup>77</sup>, which some regard as the only way that is worthy of a philosopher?’».

Even here Aristotle restricts himself to explaining that the most desirable life is, according to some people, a life devoted to the political affairs, while according to other people it is a life devoted to theoretical activity and detached from political commitments, without claiming the superiority of one of the two kinds of life over the other<sup>78</sup>.

It may be interesting to notice that in Book VII of the *Politics* Aristotle draws a sharp distinction between kinds of life, which might suggest that people devoted to contemplative activity will not have any concern for ethical excellence and *vice versa*; however, it seems to me that, in his view, the two kinds of life are not mutually exclusive. Activity according to ethical excellence, for instance, is described as an indispensable component and a condition of a good life in the community; without it,

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<sup>76</sup> ὁ πολιτικὸς καὶ πρακτικὸς βίος.

<sup>77</sup> οἷον θεωρητικός τις.

<sup>78</sup> As he will try to explain at *Pol.* VII, 1325a16-b32, some people think that the life of the free man is more desirable than the life of politics, whereas other people believe that those who do not take part in political life are not performing any activity. As Aristotle points out, the first are wrong in supposing that the life of people involved in political activity is not an activity of ‘free-man’; on the other hand, those who believe that people detached from political life are inactive are wrong, insofar as active life is not necessarily lived in relation to other individuals. Still, not even here does Aristotle express his judgement on the possible superiority of an activity over the other.



the capacity of the polis to provide stability and a good life will be compromised. As Aristotle says at *Pol.* VII, 1323b21-3:

«ὅτι μὲν [...] ἐκάστω τῆς εὐδαιμονίας ἐπιβάλλει τοσοῦτον ὅσον περ ἀρετῆς καὶ φρονήσεως καὶ τοῦ πράττειν κατὰ ταύτας, ἔστω συνωμολογημένον ἡμῖν»,

i.e.

«We may [...] join in agreeing that the amount of felicity which falls to the lot of each individual man is equal to the amount of his goodness and his wisdom, and of the good and wise acts that he does».

However, some people might take a life of contemplation as preferable to a life based on the exercise of justice or of political excellence, and in this respect they might do everything for the sake of it. They might simply perform their work in the polis well so as to have the necessary resources for a good life and devote themselves to the activity of reflection; again, they might behave justly with a view to avoiding conflict with other people and having the harmony required by their favourite activity compromised.

Therefore, even when in the *Nicomachean Ethics* Aristotle speaks of a person engaged in theoretical activity and not committed to an ethical life as the most valuable kind of life, he does not seem to be thinking of an individual isolated from the world outside; theoretical excellence must be practised within a political context. In other words, contemplative activity does not exclude the application of ethical values in one's

life, just insofar as a person pursuing such an activity is a member of a political community, even when ethical activity is only a restricted part of one's happiness, or something which is not desirable in itself; after all-if my reading of the Aristotelian concept of *eudaimonia* is plausible-even when an activity is pursued for the sake of another such an activity will not be without any value at all, but, rather, it will be a good included in human happiness. On the face of it, some people might go for a life in which ethical excellence is the cause of their doing all the rest; they might express their human nature through a kind of non-theoretical excellence and lead a happy life in this way.

Given all this, human happiness seems to be a matter of choice, although only to some extent, since some goods like ethical excellences should always be pursued by a good man, even when he does not wish for them just because of themselves. We have seen that, apparently, in Book VII of the *Politics* Aristotle is drawing a stark distinction between a life grounded in ethical/political excellence and a life grounded in theoretical activity, as though the two kinds of life were mutually exclusive. However, it seems that to wish for a kind of excellence because of itself does not necessarily mean going for and maximizing it for an entire life.

In other words, within the Aristotelian account of *eudaimonia*, it seems plausible to admit an alternation between different patterns of life, provided that they are activity according to excellence. In that case, choosing how to be happy will not entail that one's happiness is exclusively contemplative or practical activity; for instance, a person might be devoted to political activity and then decide to give up in order to engage in contemplation. Contemplative activity, just like political activity, is a *kind* of life, not *a life*, so that a kind of activity like the theoretical might contribute to making a human life happy only when it is chosen as a constituent of happiness without the exclusion of ethical activity.

But a question is still left unsolved: what does Aristotle mean when he suggests that, if there is an excellence which is better and more complete than others, this will be the excellence according to which one ought act with a view to one's own happiness? I would suggest that-in his view-the 'best and the most complete' activity is the intellectual. This seems to be confirmed in Book X of the *Nicomachean Ethics* (see *NE* X, 1177a12-22), where he explains that, if *eudaimonia* is activity in accordance with excellence, it should be activity in accordance with the *highest* kind, i.e. the theoretical.

Again, his claim at *NE* X, 1178a9 that 'second happiest' is the life according to ethical excellence reveals that such a life is less complete than a life devoted to contemplative activity, if we assume, as I do, that in Aristotle's thought theoretical activity does not exclude or, we might even suppose, in a stronger way, *involves* activity in accordance with ethical excellence. Nothing in Aristotle's account of happiness precludes a person devoted to contemplative activity (i.e. philosopher) to be a good man; even more, contemplative activity might prompt a wider awareness of the need to act justly; the importance of activity according to ethical excellence in human life, for instance, might be understood more fully only after having grasped the essence of human nature and contemplated the position that human beings occupy in the *cosmos*<sup>79</sup>.

However, notwithstanding the allegedly superiority of intellectual excellence over the ethical, it should be reminded that, in order to find out the human good, Aristotle ultimately resorts to the function-argument, which, *per se*, does not suggest that happiness is confined to activity according to intellectual excellence<sup>80</sup>. This would entail that both ethical and intellectual excellence might be regarded as ingredients of

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<sup>79</sup> See J. Lear, 1988, p. 8: «The project of understanding the world lies at the bottom of who we are».

<sup>80</sup> See T.D. Roche, 1988, p. 183, and A. Kenny, 1992, p. 29.

*eudaimonia*, although only intellectual activity will ensure the *best* and *most complete* happiness.

This assumption seems to accord well with the idea that the highest good is the object of political expertise, and that such a good is mainly ethical. The idea that we can choose which excellence is desirable towards happiness does not entail that an entire life is to be lived in accordance with an exclusive pattern; in fact, nowhere does Aristotle state that one kind of life should be assumed as precluding another one. To act according to *aretē* in a complete life, then, does not necessarily amount to acting exclusively according to a single, most complete excellence. As it seems, in Aristotle's view the nature of happiness as the highest good is not supposed to be something already settled.

#### ***1.4: Conclusions***

The notion of happiness seems to play a substantial role in Aristotle's ethical theory; it is introduced at the beginning of the *Nicomachean Ethics* as the highest achievable good, and it is taken up in the last book after the treatment of ethical excellence, friendship, intellectual activity and pleasure. In this way, *eudaimonia* turns out to be the philosophical context in relation to which which the rest of ethical issues might be understood. Happiness is the goal of human activity and, all the same, what gives sense to it.

As we have seen, in the *Nicomachean Ethics* the highest good is handled according to two different perspectives: on the one hand, as the end of the most 'architectonic' expertise, i.e. the political one; on the other hand, as something which individuals wish for according to their personal preferences. In this way, Aristotle shows that the political community is involved in some way in the actualisation of the

happiness of its citizens, although it cannot impose on each of them a pre-established conception of what a happy life is. As a matter of fact, different individuals will have different values and thoughts as to how to be happy, and it seems quite implausible to suppose that expert lawgivers will be the only ones responsible for the *eudaimonia* of their fellow-citizens.

In this chapter I have tried to argue how, in Aristotle's view, political expertise and individual purposes might converge towards a shared aim, i.e. a life of excellence in a well-governed state. I have attempted to demonstrate that happiness, in order to be the real human good, must be actualised only under the conditions provided by political expertise. Individual happiness will coincide with the good of the polis when it is not at odds with political activity for the good. The task of expert lawgivers will be to orientate the citizens to kinds of activities consonant with excellence, mostly of an ethical kind; after all, behaviour according to justice will create a condition of order and stability in the polis, so that people will be required to act with respect to their fellows.

The role of political expertise in the actualisation of individual happiness will be not only to direct and organise the single expertises involved in the running of the community, but also to foster a behaviour that contributes both to individual happiness and the happiness of the whole of the community. In order to make sure that the happiness of a single person coincides with the happiness of the polis, lawgivers will promote activity according to excellence as the ground of human happiness. A life of consumption or a life of injustice does not deserve to be called 'a happy life', just insofar as it would be a life incapable of contributing to the happiness of the whole of the community.

However, although happiness is not an arbitrary good and ethical excellence is the condition for a happy life in the polis, men are allowed to choose how to be happy. I have stressed the indeterminate character of the highest good as it is presented in Book

I of the *Nicomachean Ethics*, and I hope to have shown that such an indeterminacy, besides its being mainly due to the provisional character of the account of happiness in Book I, might also reveal Aristotle's intention to show that the good life is chosen by individuals-although only to some extent-according to their beliefs and wishes.

It seems that two human excellences seem to fall under the concept of a 'complete' *aretē*, either taken exclusively or alternating with each other over an entire life: the ethical and the intellectual. I suggested that the former is best exemplified by justice in the polis, which in Book V of the *Nicomachean Ethics* is alleged to be the most complete and authoritative excellence, or by political expertise, which aims at promoting the good of the polis. In a different way, in Book X of the *Nicomachean Ethics*, Aristotle identifies the theoretical life as the best and most self-sufficient life, which might lead us to think that, when in Book I he defines happiness as activity of soul according to excellence, the excellence to which he is referring is the theoretical.

In some cases, an ethical life will not be the most desirable kind of life, and a theoretical life might be preferable; still, the political dimension of men is one which Aristotle is keen on stressing despite individual preferences: a life entirely devoted to contemplation might not be desired by everyone, nor would it ensure by itself the well-functioning of a political community. Ethical excellence turns out to be the ground of human activity in the community, and also the indispensable condition for the actualisation of individual happiness, happiness being the *human* good.

## Chapter II

### **Relationships between *Aretē* and *Phronēsis*. How do They Come into Being?**

#### **2.1: Introduction**

As we have already seen, in Book I of the *Nicomachean Ethics* Aristotle defines happiness as *anthrōpinon agathon*, and as activity of soul according to excellence; still, this definition does not provide any indication as to what kind of human excellence contributes to a happy life. Only at the end of the book will he draw a preliminary distinction between intellectual excellences, i.e. excellences of the part of human soul possessing reason in itself, and excellences of character, stemming from the non-rational part which nevertheless participates in reason<sup>1</sup>; *phronēsis* (commonly translated as ‘wisdom’ or ‘prudence’) is included in the former group of excellences, *ēthikai aretai* in the latter<sup>2</sup>.

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<sup>1</sup> See Aristotle, *NE* I, 1103a4-7.

<sup>2</sup> Such a distinction appears also in *EE* II, 1220a5-13, where Aristotle claims that excellence is of two forms: ethical and intellectual. Differently from the *Topics* and the *Magna Moralia*, where the word ‘*aretē*’ is used exclusively with reference to ‘ethical excellence’, in both *Ethics* the meaning of ‘*aretē*’ is extended also to *epistēmē*, *nous* and *sophia* (cf. C. Natali, 1984, pp. 58-9). However, as Rowe suggests (see C.J. Rowe, 1971a, pp. 63-72 and C.J. Rowe, 1971b, pp. 73-92), the distinction between ethical and intellectual excellences is not always maintained in the *Eudemian Ethics*; rather, when he mentions *phronēsis*, Aristotle does not seem to envisage any substantial difference between theoretical and practical thinking, which might be the reason why he makes use of the word ‘*phronēsis*’ to indicate both. Rowe’s position is criticized by C. Natali, 1984, p. 70, footnote 32. Natali argues that an evidence against Rowe’s view is given at section I of *EE* VIII, where Aristotle attempts to demonstrate that *phronēsis* is not *epistēmē*. I believe that, although in this section of the *Eudemian Ethics* Aristotle makes it clear that *phronēsis* is not *epistēmē*, Rowe is right to stress the absence of a marked distinction between ethical and intellectual excellences when he mentions *phronēsis* (the same absence might be identified in Aristotle’s early works, e.g. the *Protrepticus*).

At *NE* VI, 1144a1-2 *phronēsis* is described as an activity desirable in itself, and involved, just like *sophia*, in the actualisation of happiness, which fits well with the definition of *eudaimonia* provided in Book I; but-unlike *sophia*-whose objects do not make a human being happy<sup>3</sup>, *phronēsis* has to do with things which ‘produce’ human happiness. The issue of *phronēsis* is explored in the *Nicomachean Ethics* within the context of practical thought, i.e. the kind of reasoning which causes people to make decisions and act accordingly; the way in which people behave and live is a matter of strong concern for Aristotle, not only in terms of individual conduct, but also in relation to a political context.

That in Book VI wisdom is taken as the same disposition as political expertise<sup>4</sup> is the proof that their object is the same: the highest good, i.e. the end of political expertise, will also be the end of individual wisdom. Since, as the already mentioned passage at *NE* I, 1102a7-10 shows, the aim of expert lawgivers is to make the citizens virtuous and the excellence with which they are mostly concerned is of ethical kind, it seems that *phronēsis*, just like political expertise, will pursue ethical excellence.

The aim of this chapter is to make sense of the way in which *phronēsis* intervenes in the development of ethical excellence of individuals, and also to shed some light on the specific contributions provided by ethical excellences and *phronēsis* in the actualisation of human happiness. Although excellences of character and wisdom are regarded as different kinds of excellence, they are both necessary to the deliberative process forwarding the action; as Aristotle says at *NE* VI, 1145a4-6:

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<sup>3</sup> See Aristotle, *NE* VI, 1143b19-20.

<sup>4</sup> See *NE* VI, 1141b23-4, where Aristotle points out that their being is not the same. At *NE* VI, 1141b29-31 he explains that wisdom relates most of all to oneself as an individual, whereas at 1141b31-33 he mentions different kinds of wisdom, like household management, legislation and political expertise, which relates to the whole community.



«οὐκ ἔσται ἡ προαίρεσις ὀρθή ἄνευ φρονήσεως οὐδ' ἄνευ ἀρετῆς· ἡ μὲν γὰρ τὸ τέλος ἡ δὲ τὰ πρὸς τὸ τέλος ποιεῖ πράττειν»,

i.e., as Rowe translates,

«a decision will not be correct either in the absence of wisdom, or in the absence of excellence; for the one causes us to act in relation to the end, the other in relation to what forwards the end».

Even when both ethical excellences and *phronēsis* are considered *per se*, (i.e. not in the light of the decisional process) they turn out to be mutually dependent:

«οὐχ οἷόν τε ἀγαθὸν εἶναι κυρίως ἄνευ φρονήσεως, οὐδὲ φρόνιμον ἄνευ τῆς ἠθικῆς ἀρετῆς»,

i.e.

«it is not possible to possess excellence in the primary sense without wisdom, nor to be wise without excellence of character»<sup>5</sup>,

which means that possession of the ethical excellences will be indispensable for wise behaviour and *vice versa*.

In the present context I will attempt to answer the following questions: why cannot *aretē* exist without *phronēsis*? And why does *phronēsis* need *aretē*? As a

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<sup>5</sup> Aristotle, *NE* VI, 1144b31-2.

starting point, I propose to investigate the concept of ethical *aretē* by asking myself how a person may become virtuous if he or she is not yet wise. I will try to show that virtue in an individual initially springs from external causes, e.g. from an agent who is already in possession of excellence; the external agent may be represented either by an individual or a community, whose task would consist in providing every citizen with a minimum degree of excellence. *Phronēsis* of a virtuous, external agent might lead people who are not yet virtuous by appeal to their sense of shame or of fear. In this way, as I believe, affections and impulses of such people, which belong to the non-rational part of soul sharing in reason, might be ‘educated’ to listen to a wise reason, and, as a consequence, such individuals might develop a rationality of their own.

Then, I propose to make sense of II, *NE* 1106b36-1107a2, where *aretē* is described as

«ἔξις προαιρετική, ἐν μεσότητι οὖσα τῇ πρὸς ἡμᾶς, ὠρισμένη λόγῳ καὶ ᾧ ἂν ὁ φρόνιμος ὀρίσειεν»,

i.e.

«a disposition issuing in decisions, depending on intermediacy of the kind relative to us, this being determined by rational prescription and *in the way in which the wise person would determine it*».

I will concentrate on the concept of *logos*, which occurs both in the above quoted description of *ēthikē aretē* and also at the beginning of Book VI, where Aristotle, taking up what has said in Book II about ethical excellence, specifies that τὸ μέσον, i.e. what

is intermediate, is ὡς ὁ λόγος ὁ ὀρθὸς λέγει, i.e. ‘as the correct prescription prescribes’<sup>6</sup>. My thesis is that ethical excellences and wisdom, although belonging to different parts of human soul, share the same *orthos logos*, which turns out to be the *trait d’union* between them. As I claim, that is what brings about the two kinds of excellence at the same time, and that is also why ethical excellences are not conceivable without *phronēsis* and *vice versa*.

## 2.2: Excellence of Character: a Mindless Disposition?

I shall now discuss the paradox of ethical *aretē* conceived as an excellence come about from a non-rational process like habituation, but still provided with some sort of rationality: an excellence which, as we will see, together with wisdom will be the core of the practical thought underlying good decisions and actions. Only after such a discussion will I try to argue that the kind of rationality in which ethical activity is rooted is ‘*phronētic*’, or, in other words, that a fully developed ethical excellence contains the rationality needed to engage in deliberational activity: the same rationality proper to *phronēsis*.

As Aristotle explains at *NE* I, 1102a28, in the human soul two different aspects might be found: one non-rational<sup>7</sup> and another possessing reason<sup>8</sup>. Of the non-rational aspect of the human soul, one grade has to do with growth and nutrition, and does not share in reason in any way; it seems to belong not only to human beings, but also to plants and animals<sup>9</sup>, given that they all possess the capacity for taking in food and the

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<sup>6</sup> See Aristotle, *NE* VI, 1138b19-20.

<sup>7</sup> τὸ ἄλογον.

<sup>8</sup> τὸ λόγον ἔχον.

<sup>9</sup> See Aristotle, *NE* I, 1102a32-b3.

natural function of increasing in size. But this is not the kind of function Aristotle is looking for as peculiar to human beings, especially because it seems to be most active when things are asleep<sup>10</sup>, which surely does not match the idea that human happiness is activity of soul according to excellence. By contrast, the distinctively human grade in the non-rational aspect of soul participates in a way in reason<sup>11</sup>; it has to do with human appetites and is called by Aristotle '*epithumētikón*'<sup>12</sup>. In the human soul, opposite impulses often fight each other; nevertheless, they can be made obedient and capable of listening to rational prescriptions; in that case, whoever possesses ethical excellence will be able to find an ideal balance in actions and passions; presumably, this requires some sort of rationality according to which excellence of character might inspire good actions.

That at *NE* I, 1102b14 Aristotle mentions both the '*enkrateis*' and the '*akrateis*' (i.e. those equipped with and deprived of self-control) with reference to the aspect of the non-rational part of soul sharing in reason is indicative of the power of reason to direct and encourage individuals towards what is best, but also of the presence of impulses in the human soul which might move in opposite direction and fight against reason, in this way preventing people from acting well.

As Aristotle claims at *NE* I, 1103a3-5, to the distinction between a rational part and a non-rational part sharing in reason seems to correspond a second distinction: that between ethical and intellectual excellences:

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<sup>10</sup> See Aristotle, *NE* I, 1102b5-6.

<sup>11</sup> See Aristotle, *NE* I, 1102b13-14: «μετέχουσα λόγου». With reference to these lines, see S. Broadie, 1991, p. 62: «He [Aristotle] means that in human beings the functioning of the desiderative part is to be defined by reference to its relation to the strictly rational function [...] Ethics, then, for Aristotle is concerned with the well-functioning of the rational side of the soul, 'rational' being meant broadly so that not only the strictly rational part, but also the reason-responsible part, is dignified by the title».

<sup>12</sup> See Aristotle, *NE* I, 1102b30-1.

«Excellence too is divided according to this difference; for we call some of them intellectual excellences, others excellences of character»<sup>13</sup>.

Ethical excellences, as Aristotle shows in Book II of the *Nicomachean Ethics*, do not accrue to us by nature, but we possess the capacities to develop them through some training; so that they differ from senses like sight and hearing, which are not acquired as a result of repeated acts<sup>14</sup>. Unlike intellectual excellence, which comes into existence as a result of teaching, ethical excellence originates from a process of habituation, as is shown by the term *ethos* from which the adjective *ēthikē* stems<sup>15</sup>. This makes it clear that the latter kind of excellence does not come into being by nature, given that, as Aristotle points out at *NE* II, 1103a18-19,

«no natural way of being is changed through habituation»;

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<sup>13</sup> This passage seem to contain an illicit move. As Broadie explains in S. Broadie, 1991, pp. 69-72, the distinction between a non-rational desiderative part responsive to reason and a rational part which prescribes to the former does not coincide with the distinction between excellences of character and of intellect, although Aristotle writes as if they do. As she says at p. 71: «Coincidence fails because the prescriptive part turns out to be desiderative in its own right, as well as cognitive and ratiocinative. The virtues of character are virtues of the desiderative: that is to say, they are virtues of the reason-responsive part of the soul, but also of the prescriptive part qua desiderative. Consequently, any strictly distinct and contrasting virtues of mind or intellect would have to do with the latter's ratiocinative and cognitive aspects only». It seems that, while drawing a distinction between ethical and intellectual excellences, Aristotle does not take desire as an aspect of good action, but rather as an impulse or emotion which could preclude good action.

<sup>14</sup> See Aristotle, *NE* II, 1103a26-31.

<sup>15</sup> See Aristotle, *NE* II, 1103a17-18.

for instance, the stone, which by nature moves downwards, will never move upwards by itself, not even if someone throws it upwards innumerable times, nor will fire be habituated into moving downwards<sup>16</sup>. By contrast,

«οὐτ' ἄρα φύσει οὔτε παρὰ φύσιν ἐγγίνονται αἱ ἀρεταί, ἀλλὰ πεφυκόσι μὲν ἡμῖν δέξασθαι αὐτάς, τελειούμενοις δὲ διὰ τοῦ ἔθους»,

i.e.

«the excellences develop in us neither by nature nor contrary to nature, but because we are naturally able to receive them and are brought to completion by means of habituation»<sup>17</sup>,

which suggests that human beings have the capacity to learn how to be virtuous and of transforming their behaviour in the direction of excellence.

As happens in the case of technical skills, there is a time when these are not fully possessed, and they are apprehended by doing the same things that the possession of the art should enable us to do:

«we acquire the excellences through having first engaged in the activities, as is also the case with the various sorts of expert knowledge-for the way we learn the things we should do, knowing how to do them, is by doing them. For example people become builders by building, and cithara-players by playing the cithara; so too, then, we

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<sup>16</sup> See Aristotle, *NE* II, 1103a20-2.

<sup>17</sup> Aristotle, *NE* II, 1103a23-6.

become just by doing just things, moderate by doing moderate things, and courageous by doing courageous things»<sup>18</sup>;

in other words, to engage repeatedly in some kind of activity will develop the corresponding skill.

However, mere activity will not be sufficient to develop ethical excellence, if one is not yet aware of how to act justly and one is not provided with any sort of indication, in the same way in which those who are expert at a particular skill will have received an appropriate instruction in order to apprehend their domain of knowledge. As Aristotle points out at *NE* II, 1103b6-12, an action might be performed in a good or in a bad way, so that from the same things and through the same things activities of different quality will come about; repetition of similar actions, then, is not a guarantee of success in the development of ethical excellence.

Not by chance does Aristotle introduce in the following lines the role of lawgivers in the promotion of ethical excellence. Their task and aim is to make the citizens good through habituation; as Aristotle points out, some of them might do it badly, others correctly: this is what makes constitutions different from one another<sup>19</sup>. So, when Aristotle goes on to say that dispositions come about from activities of a similar sort, it seems reasonable to assume that the goodness or the badness of such dispositions will be determined, at least to some degree, by political activity. If those in power, by setting out a system of justice grounded in good laws, manage to infuse a widespread awareness of sound ethical values in the community, individual education to such values will likely be successful.

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<sup>18</sup> Aristotle, *NE* II, 1103a31-b2.

<sup>19</sup> See Aristotle, *NE* II, 1103b3-6; cf. *Pol.* VIII, 1337a10-18.

A more direct and intimate source of education might be the teaching prescribed by a father to his son; that the relationship father-son is introduced at *NE* I, 1102b31-3 as an analogy to the power of reason to persuade the *epithumetikon* might be indicative of its relevance in the activity of education of young people to good conduct: the fatherly practice of admonishing and encouraging the young might be the source of their ethical development. The kind of teaching prescribed by a father to his son is a matter of concern also in Book X of the *Nicomachean Ethics*, where Aristotle debates the importance of both paternal and political education. As it seems, paternal education might be more effective because of the intimate bonds of affection subsisting between father and son, and also because offspring are naturally predisposed to obey a father's prescriptions<sup>20</sup>; furthermore, individual treatment will be superior to a generalised one: lawgivers will be unable to know individual cases and intervene in each<sup>21</sup>.

Now, it is true that education of a young person under the supervision of his or her father might replace the education provided by the community, once the laws established by lawgivers and their personal behaviour have failed to indicate how to behave justly; still, fatherly education does not guarantee a successful acquisition of ethical excellence unless the father has universal knowledge of what applies to all cases or to specific situations<sup>22</sup>. In a good political community, the activity of education undertaken by lawgivers with a view to the happiness of citizens will be more reliable, insofar as it is grounded on their political expertise; even more, law has a compelling power,

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<sup>20</sup> See Aristotle, *NE* X, 1180b3-7.

<sup>21</sup> See Aristotle, *NE* X, 1180b7-13.

<sup>22</sup> See *NE* X, 1180b13-16, where Aristotle says that the best supervision will be provided by people equipped with an universal knowledge, e.g. by doctors, or athletic trainers.



«being a form of words deriving from a kind of wisdom and intelligence»<sup>23</sup>.

In this way political expertise, although unable to supervise individual cases, would provide the values at the basis of a good individual education<sup>24</sup>.

However, whether we claim the superiority of fatherly education to the political or *vice-versa*, it is undeniable that some people become just and others unjust according to the way in which they have acted in dealings with other human beings; again, they might become courageous or cowardly according to their behaviour in frightening situations, and, likewise, in situations relating to the appetites or with temper, some will become moderate and mild-tempered, whereas others self-indulgent and irascible, the former as a result of behaving in one way in such circumstances, the other as a result of behaving in the opposite way<sup>25</sup>. In all these cases, some kind of external ‘authority’ will be fundamental for a successful education to ethical excellences.

We may now proceed to investigate how an external rationality is interiorised by the not-yet-virtuous, and how it can be changed into an autonomous, rational state. The person who learns how to become virtuous is initially unaware of the reasons why he should act in a way rather than in another; still, this person will gradually start to recognize not only just behaviour, but also the reasons of its rightness<sup>26</sup>. The task of those committed to educating individuals is to lead them to do actions and to feel desires consonant with excellence of character; their aim will be not only to make them

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<sup>23</sup> Aristotle, *NE* X, 1180a21-2.

<sup>24</sup> See S. Broadie, 1991, p. 59.

<sup>25</sup> See Aristotle, *NE* II, 1103b14-21.

<sup>26</sup> Cf. *NE* I, 1095b2-13, where Aristotle provides methodological indications as to how undertake our investigation of happiness. It is interesting to notice that the starting point of any human investigation should be the ‘*that*’, i.e. the acknowledgment ‘*that* a thing is so’, this suggesting that the ‘*why* it is so’ belongs to a successive stage. Aristotle points out that, if the ‘*that*’ is sufficiently clear, he will not in addition have a need for the ‘*why*’. See also *NE* I, 1098a33-b4. As for the distinction between the ‘*that*’ and the ‘*why*’, see M.F. Burnyeat, 1999, pp. 207-9.

understand that ethical behaviour is right, but also to cause them to want to exhibit such behaviour and to practise it with a view to their own happiness.

Aristotle's allusion to the practice of admonishing, encouraging and reprimanding people at the end of Book I seems to reveal the importance of the role of persuasion in the educational process. Moreover, such an allusion contributes to explaining how the non-rational part of soul sharing in reason interacts with practical rationality; in this respect, it ceases to be a mere term of analogy or a metaphor<sup>27</sup>. What does Aristotle mean when at *NE* I, 1102b33 he says that the non-rational is 'in a way persuaded by reason'? Given that the non-rational at issue is the 'non-rational sharing in reason', it will be in some way capable of listening to the prescriptions issued by reason. Since any activity of listening presupposes an understanding of what the speaker says, the part of soul which partakes in reason and reason itself will need to share the same 'language'.

As I believe, that the non-rational part in question is capable of listening to reason is only partially due to natural inclinations, if by 'natural' we mean 'not modified by habituation'. Now, it might be supposed that the sharing in reason of the non-rational part of soul is exclusively due to the constant repetition of virtuous actions under a wise external supervision: habituation, in that case, would put one in the condition of making one's non-rational impulses listen to the trainer's reason and successively obey its prescriptions, with a view to developing a rationality of one's own; however, although habituation, as I understand it, involves not simply a mechanical repetition of actions, but, rather, a process of training of affections and passions under the guide of reason, that does not seem to be what specifically enables non-rational impulses and affections to listen to and comply with reason.

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<sup>27</sup> See S. Broadie, 1991, p. 63.

My personal solution to this problem is that, in Aristotle's theory, recalcitrant impulses begin to 'listen' to reason only when reason manages to move them through an appropriate 'language': that-in the present case-the activity of persuasion is undertaken by reason does not necessarily imply that reason expresses itself by means of sophisticated rational explanations as to how it is right to behave. Rather, just as a good teacher might speak in a way which he knows will have a strong impact on the emotional sphere of the learner, reason might 'address' the *epithumetikon* by appealing to affections and impulses in a way which will make them consistent with rational thought.

The arguments generated by reason with a view to persuasion of the non-rational will be arguments which the reason of a wise teacher will bring forward in order to move impulses to virtuous action, although such arguments do not involve the true, deeper reason as to why it is right to act virtuously. In other words, in order to address the *epithumetikon* of people who are not yet virtuous towards rational activity, a wise trainer, e.g. a father or a lawgiver, will resort to arguments by which his own reason by itself would never be moved to action; these arguments, then, would be introduced by the wise trainer, only because he or she realises that, thanks to these, he will draw the 'attention' of the impulses and affections of the learner; only after having caught the 'attention' of the learner's *epithumetikon* will rational activity be able to 'persuade' it to act in accordance to its dictates.

I hope to make my point clearer by introducing two examples which I believe are extremely significant:

- 1) When the teacher appeals to the sense of shame of learners.
- 2) When the teacher leads people to act in the way they should by fostering their sense of fear.

As I am now going to show, the two cases above mentioned match respectively people of two different qualities: the well-brought and the base. At *NE* X 1179b4-10 Aristotle suggests that only people with good upbringing will find his ethical discussion useful for the development of ethical excellence. If words were sufficient in themselves to make people decent<sup>28</sup>, any kind of people would understand the importance of becoming virtuous; by contrast, words

«appear to have the power to turn and motivate those of the young who are civilized, and to be capable of bringing about possession by excellence in a character that is noble and truly loves the fine, but to lack the power to turn the majority of people towards refinement of excellence»<sup>29</sup>.

It seems, then, that people of good upbringing will be directed towards ethical excellence through a different approach from the base; unlike the base, potentially good people are those whom Aristotle is addressing in the *Nicomachean Ethics*, given that they will be capable of listening and understanding the substantial objects of his ethical enquiry.

As Aristotle believes, in order to encourage potentially good individuals to such objects through appeal to their non-rational part, lawmakers might appeal to their sense of shame, which base people do not possess<sup>30</sup>. People who are not yet virtuous, although being people of good quality, will not be led to behaviour according to ethical excellence by simply being told ‘*that*’ the fine and the just are good in themselves, nor will they be able to catch immediately the relationship between these goods and the true

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<sup>28</sup> ἐπεικεῖς.

<sup>29</sup> Aristotle, *NE* X, 1179b7-10.

<sup>30</sup> See Aristotle, *NE* X, 1179b11-13.

human happiness. Since their practical rationality is not still well-shaped, a good teacher will persuade them not by appeal to their reason, but to their emotive aspect, ‘emotive’ here referring to non-rational impulses and affections; in this way, the trainer will educate the impulses of the non-rational part of the learner’s soul to some kind of activity which the agent will recognize as just and fine only once having developed full ethical excellence.

With reference to the idea of shame, two different words are used by Aristotle: αἰδώς and αἰσχύνη. As he says at *NE* II, 1108a32, αἰδώς is not a real disposition of character:

«αἰδὼς ἀρετὴ μὲν οὐκ ἔστιν, ἐπαινεῖται δὲ καὶ ὁ αἰδήμων»;

rather, shame seems to be some kind of affection connected in some way to virtuous actions, as Aristotle suggests at *NE* IV, 1128b10-11:

«Περὶ δὲ αἰδοῦς ὥς τινος ἀρετῆς οὐ προσήκει λέγειν· πάθει γὰρ μᾶλλον ἔοικεν ἢ ἔξει»,

i.e.

«a sense of shame is not appropriately talked about as a kind of excellence: it resembles an affection rather than a disposition».

At *NE* IV, 1128b11-12 shame is described as a kind of fear<sup>31</sup>:

«ὀρίζεται γοῦν φόβος τις ἀδοξίας, καὶ ἀποτελεῖται τῷ περὶ τὰ δεινὰ  
φόβῳ παραπλήσιον»,

i.e., as Rowe translates,

«at any rate it is defined as a kind of fear<sup>32</sup> of disrepute, and has an effect comparable to that of fear in the ordinary sense».

It seems to me that, when Aristotle defines shame as a kind of fear, the kind he is referring to is not of the same as, e.g., fear of fighting in the battlefield or fear of punishment, given that these examples of fear do not seem to be caused *per se* by any form of ‘external’ judgment; by contrast, the kind of fear proper to shame seems to be caused by the expectation of a negative opinion which other people might have of a bad behaviour.

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<sup>31</sup> It is interesting that at *Top.* IV, 126a8-9 shame is described as belonging to the *logistikon*, i.e. the rational faculty of the soul, fear to the *thumoeidēs*, i.e. the ‘spirited’ faculty. In this section of the *Topics* Aristotle is dealing with the relationship between species and genus; as he explains at *Top.* 126a4, «what contains the species (εἶδος) contains the genus (γένος) as well». As he goes on in the following lines (*Top.* IV, 126a4-6), «what contains white contains colour as well, and what contains knowledge of grammar contains knowledge as well». If so, when one says that ‘shame’ is ‘fear’, the species and the genus will not exist in the same thing (*Top.* IV, 126a6), given that they belong to two different faculties of the soul. I do not think that the idea of shame as belonging to the *logistikon* is incompatible with its being an affection proper to the non-rational part of the soul which shares in reason. Shame, expressing concern for other people’s beliefs on the good and the bad, might involve a higher display of reason than fear and be regarded as a less ‘instinctive’ feeling than the latter.

<sup>32</sup> Cf. Aristotle, *Probl.*, 905a6: «καίτοι καὶ ἡ αἰδώς φόβος τίς ἐστιν».

Wise trainers might educate people of good upbringing to ethical excellence by fostering in them a sense of fear *sui generis*, i.e. fear of being badly regarded by other people. That shame-as Aristotle goes on to say at *NE* IV, 1128b15-16-is typical of young people matches the case of individuals who are not yet virtuous and need to have their affections directed towards good behaviour:

«for we think that young people should have a sense of shame because they live by emotion and so get many things wrong, but are held back by a sense of shame»<sup>33</sup>.

Since people who are not yet virtuous are more usually moved by affections than by reason, and also more inclined to making mistakes with respect to the way in which one should behave<sup>34</sup>, wise educators will speak to them by insisting on *adoxia* as the worst consequence of bad conduct, their real thought being that bad actions are such in themselves, and not because of the dishonour which might follow from them.

Given that the sense of shame is more linked to fear for other people's opinions than to an effective understanding of the intrinsic badness of an action, it seems that education to ethical excellence will have been completed only when one's concern for the judgments issued by other people with regard to one's behaviour will be replaced by a deeper concern for the intrinsic value of a good action.

Shame is also treated in Book II of the *Rhetoric*; once again, Aristotle's account takes up the idea of an affection concerned with bad things and involving people in discredit. As he says with reference to αἰσχύνη,

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<sup>33</sup> Aristotle, *NE* IV, 1128b16-18.

<sup>34</sup> See M.F. Burnyeat, 1999, p. 215.

«Shame may be defined as pain or disturbance in regard to bad things, whether present, past, or future, which seem likely to involve us in discredit; and shamelessness as contempt or indifference in regard to these same bad things»<sup>35</sup>.

Again, at *Rhet.* II, 1384a24-27 shame is described as

«the imagination<sup>36</sup> of disgrace, in which we shrink from the disgrace itself and not from its consequences, and we only care what opinion is held of us because of the people who form that opinion, it follows that the people before whom we feel shame are those whose opinion of us matters to us»<sup>37</sup>.

The idea that one might be discredited in the eyes of the people who one esteems seems to be extremely relevant for Aristotle's pedagogical purposes: that one might be held back from bad behaviour simply by fearing the contempt of those one cares for will make tutors initially insist on the sense of shame rather than on the quality of actions themselves.

However, if a sense of dishonour enables human affections to listen to a wise reason, this might open a path for correction of bad actions with a view to the pursuit of ethical excellence as *desirable in itself*. That at *Rhet.* II, 1384b22, among the persons before whom one should feel ashamed, Aristotle mentions also those who will reveal his faults to one, seems to stress the need for correction of mistakes in practical conduct. The shame of people who are already virtuous might lead to contempt for bad

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<sup>35</sup> Aristotle, *Rhet.* II, 1383b14-17.

<sup>36</sup> φαντασία.

<sup>37</sup> See also *EE* III, 1233b26-9, where Aristotle, after describing αἰδώς as a middle state between shamelessness and bashfulness, says that the man who pays regard to nobody's opinion is shameless, whereas the one who regards the opinion of those who appear good is αἰδήμων.



actions *per se*, rather than being reduced to a mere sense of fear of being disregarded by those they care for; in that case, although shame is always ‘shame before someone’ besides being ‘shame before oneself’, a fully virtuous person will pay attention to the goodness itself of his actions more than to the honour which might spring from them.

By contrast, when it comes to base people who do not possess this sense of shame, lawgivers or wise men in general might try to direct them towards good actions by fostering their sense of fear, i.e. a fear of different kind from that possessed by those who feel a sense of shame. Rather, they might be led to good behaviour by being made liable to some kind of punishment which might be applied when one commits bad actions, e.g. the kind of punishment prescribed according to public laws when some transgression is made. Such people will not obey laws by being told that the values they prescribe are virtuous in themselves and constitutive of human happiness, in that they have a base conception of the highest good: for instance, if we consider the issue of happiness from the point of view of its desirability, they might wish for and be led to action by different motives from those which compel virtuous people to act. In that case, the only way to make them listen to the wise reason of an hypothetical trainer will be to appeal to their sense of fear, which will make them imagine a threat: fear for the punishment consequent on bad actions will be the main mover of their non-rational impulses towards the better.

As Aristotle suggests at *Rhet.* II, 1382a21-2, where fear is defined as a kind of pain or disturbance caused by the imagination of an imminent evil, many people will not be afraid of becoming unjust, presumably because they do not take it as an evil or as a source of pain. In this case, a wise educator will try to present people the *phantasia* of the evil that springs from a transgression of law and the following punishment.

Aristotle recognizes the substantial contribution provided by pleasure and pain to the development of human dispositions of character. As he says at *NE* II, 1104b8-11,

«περὶ ἡδονᾶς γὰρ καὶ λύπας ἐστὶν ἡ ἠθικὴ ἀρετή· διὰ μὲν γὰρ τὴν ἡδονὴν τὰ φαῦλα πράττομεν, διὰ δὲ τὴν λύπην τῶν καλῶν ἀπεχόμεθα»,

i.e.

«excellence of character has to do with pleasures and pains: it is because of pleasure that we do bad things, and because of pain that we hold back from doing fine things»;

in that case, education to the development of good dispositions of character will also have to do with pleasures and pains, and operate so as to cause people to act justly or to feel affections in the appropriate way. That is why, as Aristotle goes on at *NE* II, 1104b11-13,

«we must have been brought up in a certain way from childhood onwards, as Plato says, so as to delight in and be distressed by the things we should; this is what the correct education is».

Given that ethical excellence has to do with affections and actions which, in their turn, are accompanied by pleasure and pain<sup>38</sup>, individual education might be arranged so as to enable people to associate their bad behaviour with some kind of pain, for instance that which springs from various forms of punishment. In this respect, I think, to speak to base people by fostering their sense of fear may be an acceptable way of educating them; not by chance does Aristotle introduce at *NE* II, 1104b16-17 the

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<sup>38</sup> See Aristotle, *NE* II, 1104b13-16.

example of forcible correction, which bad individuals undergo by the initiative of people who intend to point them in the direction of a good conduct.

Aristotle seems to be skeptical about the possibility of a base man turning into a fully virtuous one; but, if we admit this case, on his way to the acquisition of ethical excellence fear for punishment will be replaced by a more substantial concern for the goodness and badness of actions; or in some cases, these people might develop a sense of shame in imagining a disgraceful action, maybe involving fear of personal discredit. As we are going to see in the third part of this thesis, justice is truly fine only when it is a disposition of character according to which one performs fine actions: justice as mere obedience to law out of fear of punishment will not make an individual or even his actions just.

Having said this, let us try to answer our original question: what enables the non-rational part of soul to listen to reason and act accordingly? My answer is that reason will appeal to feelings and affections belonging to the non-rational part, i.e. feelings which, although not equipped with the correct prescription which only a virtuous person possesses, are conducive to ethical excellence. Repeated exercises will bring about a process of habituation which will enable potentially good people to obey good rational prescriptions. The impact exerted by reason on affections like the sense of shame and fear will move impulses in the direction of reason, even if the reasons prompting such a movement in the non-rational part of soul will be initially different from the reasons according to which reason pursues the fine and the just. Repetition of virtuous actions in the appropriate circumstances will not only develop a sense of how to act in specific situations, but also shape non-rational impulses in accordance with reason.

If fear and shame enable reason to communicate with the non-rational in us, it is only thanks to habituation that learners will start to act according to their own reason

instead of their teachers' one. Perhaps, when at *NE* I, 1102b14-28 Aristotle explains that the impulses of people lacking in self-control move in contrary directions and fight against reason, whereas those of people with self-control are able to listen to the right encouragement of reason, his thought is that the impulses of akratic people have not been trained at all to listen to reason or have been badly trained.

In the process of the achievement of *aretē*, 'external' rationality will gradually be replaced by the reason of the agent, who later on will acquire his own autonomy of action and will perform actions voluntarily and knowing in what context and how to display different excellences of character, as required by concrete circumstances. There might come a time in which people's actions and passions will be practised and felt almost spontaneously, as though they were immediate reactions to external circumstances. This process is supposed to take place gradually, and it seems impossible to establish with mathematical certainty when a disposition of character has been acquired and to what extent; for instance, it would be absurd for us to wonder whether we have already acquired *aretē* or not while performing any single action; but once a good disposition of character has been acquired, the agent himself will set out to perform certain kinds of action without asking someone else for advice. To be virtuous means acting according to choice and a fixed *hexis*, not merely performing a virtuous act<sup>39</sup>.

According to what has been said so far, ethical excellence is in a way 'rational', in that impulses and desires are shaped by reason with a view to performance of good actions; that such an excellence belongs to the non-rational part of soul does not mean that rationality is something completely external to it. As I am going to show in the next section, the characteristic intermediacy of excellence of character depends on some

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<sup>39</sup> See *NE* II, 1105a26-b2, where Aristotle draws the difference between ethical excellence and technical skills: unlike in ethical excellence, the outcome of productive skills is considered good even when it comes about by chance or under someone else's promptings.

kind of rational prescription, presumably the same as that proper to the wise man. The relationship between ethical excellence and wisdom will emerge more clearly in the treatment of deliberative activity.

### **2.3: Orthos logos: *its Role in Ethical Excellence, Wisdom and Deliberation.***

Ethical excellence has been treated so far as a kind of disposition which comes about from a process of habituation, i.e. a process in which people gradually acquire a degree of knowledge about the way they should act and in what specific circumstances; but no mention has been made of its characteristic *mesotēs* and the nature of its supposedly inherent rationality. I propose to show how wisdom is involved in the actualisation of the *mesotēs* peculiar to each excellence of character.

At *NE* II, 1106b36-1107a2 (already quoted in the introduction to this chapter), ethical *aretē* is described as

«a disposition issuing in decisions, depending on intermediacy of the kind relative to us, this being determined by rational prescription<sup>40</sup> and *in the way in which the wise person would determine it*».

Such a claim reveals that wisdom determines excellence of character in some way. Evidence of the closeness between the two things is found at the beginning of Book VI, which takes up what has been said about excellence of character and its typical *mesotēs* in Book II:

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<sup>40</sup> λόγος.

«Let that then stand as our way of marking off justice and the rest, i.e. the excellences of character. Since we have said earlier that one must choose what is intermediate, not excess, and not deficiency, and that what is intermediate is ‘as the correct prescription’<sup>41</sup> prescribes’, let us delimit this»<sup>42</sup>.

It might seem odd that the successive arguments developed in Book VI are not concerned with *orthos logos* as the rational prescription which defines the typical intermediacy of ethical excellence: only *phronēsis* is taken into account in relation to the right prescription. However, given Aristotle’s explicit suggestion that the correct prescription of *aretē* is going to be investigated, it seems reasonable to suppose that the *orthos logos* which makes an individual *phronimos* will explain at the same time the role of *orthos logos* in the hitting the intermediate proper to ethical excellence.

The intermediacy on which excellence depends is defined by *logos*, as is claimed at *NE* VI, 1144b21-5:

«...everybody when defining excellence describes the disposition and what it relates to, and then adds ‘according to the correct prescription’; and the correct one is the one in accordance with wisdom».

That possession of *ēthikē aretē* involves *phronēsis* is clear when, at *NE* VI, 1138b21-5, Aristotle draws the reader’s attention to the issue of intermediate states of character and the ways in which these might be reached:

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<sup>41</sup> ὁ λόγος ὁ ὀρθός.

<sup>42</sup> Aristotle, *NE* VI, 1138b18-20.

«For with all the dispositions we have discussed, just as with everything else, there is a target, as it were, that the person with the prescription has in view as he tenses and relaxes, and a kind of mark that determines the intermediate states, which we declare to be in between excess and deficiency, being as they are ‘according to the correct prescription’»<sup>43</sup>.

But to talk like this, as Aristotle himself recognizes at *NE* VI, 1138b25-35,

«is not at all illuminating; for in all other spheres of concern, ones involving specialized knowledge, while it is true to say that one shouldn’t apply oneself, or slacken one’s effort, either too much or too little, but just to an intermediate degree and as the correct prescription lays down<sup>44</sup>, if this were the only thing a person knew he would be no further on [...] in relation to the dispositions of the soul too what we need is not merely to have said this and said something true; we need also to have determined what ‘the correct prescription’ is, and what the determining mark<sup>45</sup> of this is».

It seems that in Book VI, which is devoted to the issue of intellectual excellences, Aristotle intends to explain how rational prescription might define the nature of a non-intellectual *aretē*: as he suggests in the passage above mentioned, the correct prescription needs to be ‘investigated in relation to the dispositions of the soul’. My belief is that the process according to which *aretē* hits upon the intermediate is based on the same *orthos logos* which makes a person *phronimos*; as I propose, the *orthos logos*

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<sup>43</sup> On the relationship between *phronēsis* and ethical *aretē* see R. Demos, 1961-62, pp. 154-155. Demos suggests that the dependence of *phronēsis* on ethical virtue is not causal; rather, as he claims, «*phronēsis* consists of some aspect of virtue».

<sup>44</sup> τὰ μέσα καὶ ὡς ὁ ὀρθὸς λόγος.

<sup>45</sup> ὄρος.

underlying *ēthikē aretē* is the same as that on which wisdom depends, and comes about from human experience, experience being the development of an autonomous rationality in the process of habituation to good behaviour. Under this light, *phronēsis* will appear as a form of practical reasoning according to which experience-data are connected and re-elaborated with a view to the decisional process and to action.

Aristotle begins his account of *phronēsis* by putting it in relation to the activity of deliberation with a view to what is good in general. As he says,

«δοκεῖ δὴ φρονίμον εἶναι τὸ δύνασθαι καλῶς βουλευσασθαι περὶ τὰ αὐτῷ ἀγαθὰ καὶ συμφέροντα, οὐ κατὰ μέρος, οἷον ποῖα πρὸς ὑγίειαν, πρὸς ἰσχύν, ἀλλὰ ποῖα πρὸς τὸ εὖ ζῆν ὅλως»,

i.e.

«it is thought characteristic of a wise person to be able to deliberate well about the things that are good and advantageous to himself, not in specific contexts, e.g. what sort of things conduce to health, or to physical strength, but what sorts of things conduce to the good life in general»<sup>46</sup>.

Again, at *NE* VI, 1140b4-6 wisdom is described as

«ἔξιν ἀληθῆ μετὰ λόγου πρακτικὴν περὶ τὰ ἀνθρώπων ἀγαθὰ καὶ κακά»,

i.e.

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<sup>46</sup> Aristotle, *NE* VI, 1140a25-8.



«a true disposition accompanied by rational prescription, relating to action in the sphere of what is good and bad for human beings».

This suggests that wisdom must be related to ethical excellence in some way, since it has to do with human things, i.e. things about which it is possible to deliberate<sup>47</sup>, and the activity in which it is involved requires a view of the good and the bad life that only ethical excellence is able to provide<sup>48</sup>. On the other hand, it seems that *ēthikē aretē* will not be fully possessed without wisdom, provided that excellences of ethical kind determine the intermediate between excess and deficiency in affections and actions ‘as a wise man would do it’. It might be hypothesized that one’s ethical *aretai* and wisdom come to a full-fledged realisation at the same time and, once they have been fully achieved, they will display their reciprocal relationship in the process of deliberation leading to human action.

As we have already seen at *NE* II, 1106b36-1107a2, ethical excellence is defined as an ἔξις προαιρετική, a disposition issuing in decisions; but at *NE* II 1106b14-16 Aristotle also describes it as

«effective at hitting upon what is intermediate».

What does Aristotle mean when he says that ethical excellence is ‘τοῦ μέσου στοχαστική’? And how does this property contribute to the decisional process? As Urmson suggests, rather than being a disposition *towards* mean or intermediate

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<sup>47</sup> See Aristotle, *NE* VI, 1140a31-3.

<sup>48</sup> As for those commentators who pronounced upon the role of ethical excellence and *phronēsis* in good deliberation and action, see D.J. Allan, 1977; J.M. Cooper, 1975, p. 53; W.W. Fortenbaugh, 1964; T. Engberg-Pedersen, 1983, pp. 160-87; see also footnote 64 of this chapter.

emotions and actions, ethical excellence seems to be an *intermediate disposition regarding* emotions and actions<sup>49</sup>. However, it seems that the intermediacy proper to ethical excellence will not be an unspecified one. Since ethical excellence has to do with affections and actions which might present excess, deficiency and intermediacy between them<sup>50</sup>, the intermediate Aristotle is referring to will be applicable to single actions in relation to what any specific situation requires.

One might be affected too much or too little, but what presupposes ethical excellence is the capacity to be affected *as one should*. As Aristotle makes it clear at *NE* II, 1106b18-24,

«it is possible on occasion to be affected by fear, boldness, appetite, anger, pity, and pleasure and distress in general both too much and too little, and neither is good; but to be affected when one should, at the things one should, in relation to the people one should, for the reasons one should, and in the way one should<sup>51</sup> both intermediate and best, which is what belongs to excellence»;

the same, as he goes on in the following lines, will hold true of actions, which might be performed according to excess or deficiency. In both affections and actions the intermediate will be object of praise, whereas excess and deficiency will belong to badness<sup>52</sup>.

As we can see, Aristotle resorts to expressions like '*hōs dei*' and '*hote dei*' in order to indicate a precise and non-arbitrary way in which actions ought to be

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<sup>49</sup> See J.O. Urmson, 1980, p. 161; cf. W.F.R. Hardie, 1977, pp. 34-5.

<sup>50</sup> See Aristotle, *NE* VI, 1106b24-6.

<sup>51</sup> ὅτε δεῖ καὶ ἐφ' οἷς καὶ πρὸς οὓς καὶ οὗ ἕνεκα καὶ ὥς δεῖ.

<sup>52</sup> See Aristotle, II 1106b26-7.

performed and affections felt<sup>53</sup>; this seems to match the idea of a rational prescription which determines the intermediate states. In other words, the ‘right prescription’ typical of ethical *aretē* seems to consist in one’s power to establish when, how and in what circumstances one should act: it is the *logos* of wisdom which indicates to us how to act and how to moderate one’s affections in particular situations. Human activity requires a capacity of assessment of the particular situation in relation to the right way of acting, which seems to be the same skill as that employed by a wise man when deliberating on the correct way of achieving good desired ends<sup>54</sup>. Given that the wise man is capable of deliberating on what is good in general, he will be equipped with a general view of what is good, which presupposes a knowledge of how to act and how to moderate one’s affections on specific occasions. As Sorabji suggests, *phronēsis*

«enables a man, in the light of his conception of the good life in general, to perceive what generosity requires of him, or more generally what virtue and *to kalon* require of him, in the particular case, and it instructs him to act accordingly. A picture of the good life will save him from giving away too much, or too little, or to the wrong causes, in particular instances»<sup>55</sup>.

The *orthos logos* according to which ethical excellence hits the mean in actions and affections is a form of rationality acquired through habituation and training; still habituation and training do not seem to be the specific sources of such a rationality, although they might surely contribute to its development. I believe that the real source

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<sup>53</sup> Cf. *NE* II, 1107b27; *NE* III, 1119b16-18; *NE* IV, 1125b5; *NE* IV, 1125b8, where the expressions quoted at footnote 40 are used in relation to the single excellences of character.

<sup>54</sup> On the capacity of assessment proper to ethical excellence and *phronēsis* in see W.W. Fortenbaugh, 1964.

<sup>55</sup> R. Sorabji 1980, p. 206.

of wisdom is *experience*. By ‘experience’, in this context, I do not mean an equivalent of habituation, although it seems plausible to suppose that the two concepts are mutually related; rather, I mean the process of perception and re-elaboration of various aspects of reality according to which one formulates universal principles of conduct, applicable when the situation requires them. In that case, even an excellence of an intellectual kind like *phronēsis* would rely in a way on some kind of non-rational data, which are only later elaborated by reason.

The notion of ‘experience’, corresponding to the greek ‘*empeiria*’ is introduced by Aristotle at the beginning of the *Metaphysics*, where human beings are said to live of crafts and reasonings, unlike the other animals, which partake of *empeiria* very little:

«τὰ μὲν οὖν ἄλλα ταῖς φαντασίαις ζῇ καὶ ταῖς μνήμαις, ἐμπειρίας δὲ μετέχει μικρόν· τὸ δὲ τῶν ἀνθρώπων γένος καὶ τέχνη καὶ λογισμοῖς»<sup>56</sup>.

The comparison drawn by Aristotle suggests that *technai* and *logismoi* have to do with *empeiria* in some way. At *Met. A*, 980b28-981a1 Aristotle explains that in human beings *empeiria* comes about from memory, given that many memories of the same thing produce the effect of a single experience<sup>57</sup>. As he goes on to say at *Met. A*, 981a5-7, a *technē* comes about when, after many observations of experience, a universal judgement is formulated with reference to all the similar cases.

When it comes to practical activity, a *phronimos* man will be one who possesses the necessary experience for engaging in just and fine behaviour. A confirmation of this may be found at *NE II*, 1142a11-20, where *phronēsis* is described in terms of an

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<sup>56</sup> Aristotle, *Met. A*, 980b25-8.

<sup>57</sup> γίνεται δ’ ἐκ τῆς μνήμης ἐμπειρία τοῖς ἀνθρώποις· αἱ γὰρ πόλλαι μνήμαι τοῦ αὐτοῦ πράγματος μιᾶς ἐμπειρίας δύναμιν ἀποτελοῦσιν.

intellectual virtue which, unlike *sophia*, is achieved through activity of reasoning and experience. As Aristotle explains, while geometers and mathematicians develop their skills when young, wise persons will never develop their intellectual excellence in a short time, since the objects of *phronēsis* also include particulars, which come to be known only through *empeiria*<sup>58</sup>; *empeiria*, in its turn, requires a long time to be achieved: that is why the young cannot be experts. That experience is introduced here as the indispensable condition of knowledge of particulars seems to fit well with the idea that *empeiria* is the source of *phronēsis*.

At *NE* II, 1142a25-30 *phronēsis* is described as having as its own object the last and contingent, of which there is not *epistēmē* but *aisthēsis* (contrary to *nous*, which has as its own objects the definitions of which there is no *logos*). As Aristotle points out at 1142a27-30, perception does not mean ‘sense-perception’:

«not perception of the sensible special to each sense, but like that by which we grasp that the last element in mathematical analysis is the triangle; for things will come to a halt in that case too (However, this is more a case of perception than of wisdom, but a different kind of perception from the one of the special sensibles<sup>59</sup>)».

What Aristotle probably means here is that the kind of perception proper to wisdom does not grasp particulars in the same way as they might be immediately perceived by senses like sight and hearing; rather, Aristotle seems to be referring to a ‘rational’ kind of perception, i.e. perception of particulars under a peculiar light, e.g. in the light of good action. As Nussbaum puts it,

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<sup>58</sup> That experience is knowledge of particulars is suggested by Aristotle in *Met.* A, 981a15-17; *technē*, instead, is knowledge of universals: «ἡ μὲν ἐμπειρία τῶν καθ’ ἑκαστόν ἐστι γνῶσις ἡ δὲ τέχνη τῶν καθόλου».

<sup>59</sup> ἄλλ’ αὕτη μᾶλλον αἰσθησις ἢ φρόνησις, ἐκείνης δ’ ἄλλο εἶδος.

«practical insight is like perceiving in the sense that it is noninferential, nondeductive; it is an ability to recognize the salient features of a complex situation»<sup>60</sup>.

By '*empeiria*' Aristotle means a process according to which men grasp particulars on various occasions and come to formulate a universal judgment. Although in the *Nicomachean Ethics* Aristotle does not explain how from the particular case it is possible to grasp the universal, we may suppose that this takes place thanks to a process of inference; it is also plausible that, once experience has been acquired, men act and judge on the basis of it, without repeating the process of abstraction through which they came to the formulation of the universal premises. In this respect, wisdom might be taken as a sort of habit, provided that wise men are familiar with contingent particulars and know how to employ them in relation to universal principles with a view to human decisions and actions.

At *NE* VI, 1141b15-18 Aristotle says that people who know particulars without knowing universals will act better than those who do know universals but not particulars<sup>61</sup>; although, in order to be *phronimos*, it is necessary to know both aspects, familiarity with particulars will be preferable. Experience endorses a general view on the right way to act and will consequently develop the needed rationality. All the same,

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<sup>60</sup> M. Nussbaum, 1999, p. 165. Nussbaum proposes that more than one faculty intervenes in the process of practical reasoning: besides the rational, imagination seems to play an important role. As she says at p. 168, *phantasia* «is a more inclusive human and animal capability, that of focusing on some concrete particular, either present or absent, in such a way as to see (or otherwise perceive) is *as* something, picking out its salient features, discerning its content. In this function it is the active and selective aspect of perception». On the role of imagination in human activity see also J.L. Labarrière, 1984; and M. Schofield, 1979. This aspect of practical reasoning will not be developed in this thesis.

<sup>61</sup> Cf. *Met.* A, 981a13-24, where Aristotle explains that those who possess *empeiria* (οἱ ἔμπειροι) may succeed more than those who have theory without possessing experience, given that, experience is knowledge of particulars.

it seems that the same experience which engenders the *orthos logos* will contribute to hit the mean in actions and affections according to ethical excellence.

The closeness of the two kinds of excellence is mostly evident in the activity of *euboulia*. *Euboulia* is excellence at deliberating; as Aristotle says, it is

«ὀρθότης ἡ κατὰ τὸ ὠφέλιμον, καὶ οὕτω δει καὶ ὥς καὶ ὅτε»,

i.e.

«correctness as to what one should achieve, and the way in which, and when, all in accordance with what is beneficial»<sup>62</sup>.

Good deliberation presupposes both excellence of character, which makes the end of deliberation correct, and intellectual excellence, thanks to which deliberative activity leads to the choice of the best option<sup>63</sup>. In other words, what one should achieve is established by ethical excellence, presumably insofar as it has to do with affections and impulses which, if correctly oriented, will lead to good action, whereas the way in which and the occasion on which actions should be performed will mainly be determined by wisdom:

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<sup>62</sup> Aristotle. *NE* VI, 1142b27-8.

<sup>63</sup> See Aristotle, *NE* VI, 1144a7-9; cf. *NE* VI, 1144a20-2 and *NE* VI, 1145a5-6. On the role of both ethical *aretē* and *phronēsis* in good deliberation see R. Bodéüs, 2004, pp. 50-63. See in particular p. 60: «Il semble que, pour Aristote, une intelligence non discursive intervienne au principe de la délibération pour mettre dans l'esprit le genre d'action souhaitable (la fin) et qu'elle intervienne aussi, au terme de la délibération, pour clôturer celle-ci, dans la vision de l'action particulière (le moyen) qui correspond au genre recherché».

«if it is characteristic of the wise to deliberate well, deliberative excellence will be that sort of correctness that corresponds to what conduces to the end, of which wisdom is the true grasp»<sup>64</sup>.

In deliberative activity, wisdom depends on ethical excellence insofar as its goodness relies on the goodness of the object desired by ethical excellence. Wise actions will not be performed without a stable disposition of character, nor will any deliberation be excellent unless wisdom pursues good ends established by ethical excellence. Should wisdom find what forwards any end whatever, no matter whether such an end is good or not, wisdom might turn out to be the grasp of a non-virtuous end; in that case, *phronēsis* would be mere cleverness<sup>65</sup>.

It is true that *phronēsis*, conceived as an intellectual excellence *per se*, is not dependent on ethical excellence; still, notwithstanding its being an excellence autonomous from the ethical, when it comes to *euboulia*, wisdom cannot operate in absence of ethical excellence. At *NE* VI, 1144a29-b1 Aristotle explains in what respect *phronēsis* relies on *aretē*:

«This eye of the soul [*phronēsis*] does not come to be in its proper condition without excellence, as has been said and as is clear in any case; for chains of practical reasoning have a starting point-‘since the end, i.e. what is best, is such-and-such’ [...] and this is

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<sup>64</sup> Aristotle, *NE*, 1142b31-3. This passage has puzzled commentators: some of them believe that, in Aristotle’s view, wisdom is the true grasp of what conduces to the end, whereas others believe that wisdom is the true grasp of the end itself. According to my reading of the passage, Aristotle is concentrating on wisdom as the excellence which grasps what leads to the end, as he shows in the passages I have quoted at footnote 45; cf. P. Aubenque, 1965. Aubenque introduces the view of scholars like Jaeger, Tricot, Dirlmeier, as opposed to Gauthier, according to which *phronēsis* is knowledge of the end.

<sup>65</sup> The difference between mere cleverness and good ability is stressed at *NE* VI, 1144a23-9.



not evident except to the person who possesses excellence, since badness distorts a person and causes him to be deceived about the starting points of action. So it is evident that it is impossible to be wise without possessing excellence».

Given that in the process of *euboulia aretē* makes the end correct and *phronēsis* the steps forwarding the end, not possessing *aretē* will prevent one from deliberating well. *Phronēsis* is not completely separate from *aretē*, and a wise man will be acknowledged as such not only thanks to the actions he performs, but also by virtue of his disposition of character. In order to identify an individual as ‘wise’ it is not sufficient to look at the correctness of his reasoning, but to the goodness of his actions. These must be the outcome of a deliberation in which ethical excellence is involved.

## 2.4: Conclusions

In this chapter I have tried to account for two kinds excellence: the first, excellence of character, is excellence of the non-rational part of the soul sharing in reason; the second, wisdom, is an intellectual disposition of the rational part of soul concerned with what can be otherwise, or, put it another way, with the steps forwarding decision. These two kinds of excellence are deeply entwined, and their relationship is evident in the process of *euboulia*. *Ēthikē aretē* is a disposition of character achieved through habituation, which is a non-rational process; still, it seems to possess some sort of rationality, given that it makes people wish for good ends.

I suggested that the rational prescription underlying the intermediacy of *aretē* is the *same orthos logos* possessed by the *phronimos*, i.e. the man engaged in good deliberation; the rational prescription underlying *phronēsis* causes wise men to feel affections and to do actions by escaping both excess and deficiency, and habituation to

moderate feelings and actions will develop a good and stable disposition of character. People who do not yet possess ethical *aretē* might be guided by an external agent (either individual or collective or both) equipped with wisdom, whose rationality will appeal to their emotional sphere in order to train their non-rational impulses, e.g. by appealing to their sense of shame or of fear. Through habituation, the 'still non-virtuous' will realise gradually both the goodness of a particular kind of actions and affections and the reason why these are desirable, and his acquired rationality will supply the one of the external agent.

That the characteristic intermediacy of ethical excellence-as we have seen at *NE* II, 1106b36-1107a2 is determined as the wise person would determine it suggests that *phronēsis* is involved in some way in the development of its rationality. *Phronēsis*, just like ethical excellence, is not pure rationality, but it presupposes experience, which re-elaborates in a rational way the non-rational grasp of particulars and formulates general views on what is good and how to achieve it; experience leads people to perform some types of action in specific circumstances, and in the way in which these should be done.

The *orthos logos* characterizing ethical *aretē* is the rational prescription which allows its possessors to hit upon intermediacy in actions and affections. I think that, at the same time, whilst getting excellence of character, they will gradually also gain *phronēsis* and, consequently, also the rational excellence involved in deliberation. *Phronēsis*, then, will be a rational disposition stemming from experience, according to which decisions will be taken. *Phronēsis* relies on ethical excellence insofar as a good deliberation presupposes a good end to be achieved, and such an end is determined by *ethical aretē*.

Given that, as Aristotle says at *NE* VI, 1144b30-2, it is not possible to possess ethical excellence without wisdom, nor to be wise without excellence of character, *phronēsis* and *aretē* will turn out to be shaped at the same time.

## Part II

### Law and Political Justice: Between Individual *Aretē* and Human Interaction

*On ne veut pas seulement que la Loi soit  
juste; on veut encore qu'elle soit  
philanthropique.*

*On ne se contente pas qu'elle garantisse à  
chaque citoyen le libre et inoffensif exercice  
de ses facultés, appliquées à son  
développement physique, intellectuel et  
moral; on exige d'elle qu'elle répande  
directement sur la nation le bien-être,  
l'instruction et la moralité.*

Frédérique Bastiat

## Chapter III:

### **Lawfulness and Justice in the *Nicomachean Ethics***

#### **3.1: Introduction**

In the first part of this thesis we have seen how ethical excellences and *phronēsis* contribute to the achievement of human happiness, and how keen wise lawgivers are to operate with a view to the education of citizens to good conduct; still, the way in which such an education might reach its actualisation has not yet been treated. This will be my concern in the present and in the next chapter. The establishment of good laws and of a good system of justice seems to provide a way not only to the instantiation of some kind of order and stability in the polis, but also to the development of individual dispositions of character among its members: law and justice will turn out to be not only the expression of the wisdom possessed by those in power, but also the source of ethical growth for the members of a good polis.

In this chapter I propose to investigate the issue of law as it is handled by Aristotle in his account of universal justice in Book V of the *Nicomachean Ethics*. The passage of Book V I am going to analyse in this paper is *NE* V, 1129b11-19, where the Aristotelian equation of justice with lawfulness is introduced in the form of an *endoxon*, i.e. a belief commonly held by people. The just, Aristotle says at *NE* V, 1129b11-13 while reporting such a belief, amounts to what is lawful, the unjust to what is unlawful. It might be wondered whether or not Aristotle takes this equation as true: I believe he does, although, as it seems to me, he does not intend to establish an absolute identity between lawfulness and justice. The run of his argument displays a shift from beliefs commonly held by people, illustrated in the form of *endoxa*, to a position that is

authentically Aristotelian, although such a shift is not immediately perceptible; it is interesting that the argument outlined by Aristotle is made up by sentences which might be read as expressing either people's beliefs or as Aristotle's genuine thought.

What I am going to do in this chapter is to reconstruct the Aristotelian sense of such an ambiguous equation. In my view, Aristotle's claim that 'everything lawful is just' does not imply that it is obedience to law by itself to make actions and individuals just. The adjective 'just' will not be attached to any behaviour whatever, only in virtue of its being prescribed by law; nor (as I will show in the next chapter of my thesis) can the Aristotelian notion of justice be reduced to mere lawfulness, if by 'lawfulness' we mean obedience to any kind of laws, even to laws which drastically fail to attain the interest and the happiness of the whole of the polis.

However, I believe that, in this context, by 'lawfulness' Aristotle does not mean obedience to bad laws. I propose that what is *truly* lawful is what is established by the *true* lawgiver's art, i.e. the art which aims at the highest good; what is established according to such an art cannot fail to achieve the good of the community and its members. Still, it seems to me that Aristotle does not conceive justice as obedience to perfect laws only. I hope to show that whatever approaches *in a way* to the perfect legislative art will be regarded as just: that is, if an established law manages to secure the common happiness at least to some extent, obedience to it will be regarded as a source of justice.

This means that, on the one hand, Aristotle might assume the perfect law and the true lawgiver's art as the highest sources of justice, and also as the paradigms in relation to which, respectively, the goodness of existing laws and the work of politicians can be assessed; on the other hand, as I am going to suggest, obedience to the perfect law is not the only kind of lawfulness admissible in the account of universal justice; conformity to non-ideal laws may be a source of justice insofar as such laws

resemble the perfect law, i.e. the law made according to the lawgiver's art. My view is that the lawfulness that lies at the basis of universal justice in the Aristotelian account is handled both in its ideal aspect and in its less perfect applications; the ideal character of the law is not stressed by Aristotle without any reference to less perfect laws in force in real communities, but it seems to represent the supreme goal at which such laws ought aim. In that case, even imperfect laws might be regarded as just, insofar as they approach the ideal paradigm of law and succeed in achieving the common happiness at least to some degree.

In the second section, I propose to investigate how a good lawgiver is able to establish laws which aim at the common happiness or, in other words, how the lawgiver's art gets involved in the full actualisation of the aim of laws. Aristotle seems to speak of the law according to two different perspectives: on the one hand, as the things marked off by lawgivers, as he says at *NE* V, 1129b12-14; on the other hand, in terms of an ideal which prescribes actions according to the whole of ethical excellence, as he seems to do at *NE* V, 1129b19-24. I propose to show how these two aspects contribute to the formulation of a law established by truly wise lawgivers according to their art.

Then, I will focus on the concept of *nomothetikē*, and attempt to tackle the lawgiver's art as a form of *phronēsis*, as it is described in Book VI of the *Nicomachean Ethics*, so as to find out if that description of *nomothetikē* makes any contribution towards a wider understanding of the lawgiver's role in the political community. In Book VI Aristotle argues that, given some ends made correct by *aretē*, one's *phronēsis* sets out to find what leads to them; in my view, the analogy between *hē nomothetikē* and *phronēsis* suggests that the lawgiver's art does not consist in finding legislative means to any end whatever, but in working to given ends, which must be provided by *the law*, i.e. the perfect law that enjoins the whole of ethical excellence.

### 3.2: *The Just as Lawful*

The first occurrence of the idea of justice as lawfulness is at *NE* V, 1129a32-1129b1; it is put forward in terms of a belief commonly held by people, together with the definition of justice as equal-mindedness:

«δοκεῖ δὴ ὁ τε παράνομος ἄδικος εἶναι καὶ ὁ πλεονέκτης καὶ ἄνισος, ὥστε δῆλον ὅτι καὶ [ὁ] δίκαιος ἔσται ὁ τε νόμιμος καὶ ὁ ἴσος. Τὸ μὲν δίκαιον ἄρα τὸ νόμιμον καὶ τὸ ἴσον, τὸ δ' ἄδικον τὸ παράνομον καὶ τὸ ἄνισον»,

i.e., as Rowe translates,

«People regard as ‘unjust’ both the person who breaks the law and the grasping, i.e. unequal-minded one; hence, clearly, both the law-abiding person and the equal-minded one are just. In that case, the just is what is lawful and what is equal, while the unjust is what is unlawful and what is unequal».

As we can see here, both justice as lawfulness and justice as equal-mindedness are presented in the form of *endoxa*; however, they seem to mirror a position which Aristotle is keen on developing, since they are assumed as the starting point for his investigation and maintained throughout the whole book. At this early stage of the discussion, it is not clear yet what Aristotle means by ‘law abiding’<sup>1</sup> and ‘equal-

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<sup>1</sup> νόμιμος.

minded'<sup>2</sup>; what he is doing here is only to put forward two possible definitions of justice without adding any further specification, so that his claim might fit with both common opinion and his own thought. As we still see, as he proceeds with his argument, his own idea of lawfulness emerges more clearly.

The adjective 'law-abiding', according to what common people think, might suggest that a person's behaviour is just exclusively by virtue of obedience to law, no matter what law prescribes; but such a conception of justice might be at odds with the idea of justice as *isotēs* expressed at *NE* V, 1129b2-11, according to which the unjust person is a grasping individual who generally chooses the greater share of goods and less in the case of things he thinks to be bad. Were justice sheer obedience to law, no matter what law prescribes, even one's getting more than is due to him would be considered just, if there were laws which allowed such a behaviour or did not forbid it.

We might expect a development of the argument aimed at showing that such a case is to be ruled out; however, after this description of the unequal-minded person, at *NE* V, 1129b11-12 Aristotle points out:

«' Επεὶ δ' ὁ παράνομος ἄδικος ἦν ὁ δὲ νόμιμος δίκαιος, δῆλον ὅτι πάντα τὰ νόμιμά ἐστὶ πῶς δίκαια»,

i.e.

«But because, as we said, the lawbreaker is unjust and the law-abiding person just, it is clear that everything in accordance with law is in a way just».

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<sup>2</sup>ἴσος.



Apparently, Aristotle is declaring that everything according to law is just, even actions which, *stricto sensu*, are unjust. Still, it seems that the opposite intention is lurking in his claim.

I believe that, in order to show that Aristotle's concept of lawfulness does not refer to mere obedience to law, we need to explain the sense of the expression 'πῶς', applied to 'just' here at *NE* V, 1129b11-2. A plausible explanation might be that the phrase 'in a way' refers to the first of the two senses into which justice has been divided, i.e. to justice as lawfulness, which Aristotle is careful to distinguish from justice conceived as *isotēs*, which rather expresses a way of relating to goods.

However, it seems that this suggestion needs to be dismissed, given that at *NE* V, 1129b12-14, just after saying that everything lawful is in a way just, Aristotle points out:

«τὰ τε γὰρ ὠρισμένα ὑπὸ τῆς νομοθετικῆς νόμιμά ἐστι, καὶ ἕκαστον τούτων δίκαιον εἶναί φαμεν»,

i.e.

«for the things marked off by the lawgiver's art are in accordance with law, and we do call each of these just»,

where the 'γάρ' here seems to explain the reason why everything in accordance with law is 'in a way' just; in that case, the phrase 'in a way' would be connected to the lawgiver's art rather than to the distinction between justice as lawfulness and justice as equal-mindedness.

In my view, Aristotle elaborates his own conception of lawfulness by taking as a starting point for his investigation people's beliefs, and by changing the reported *endoxa* into a philosophical position. Aristotle's appeal to the lawgiver's art might, as I propose, be the key to a correct understanding of the idea of justice as lawfulness; however, notwithstanding his claim that the things laid down by the lawgiver's art are in accordance with law, it is not clear yet which kind of law Aristotle has in mind, nor does conformity to law explain the nature of such lawfulness.

It seems that obedience to some kinds of laws might be of benefit to the whole of the community, whereas, by contrast, one may also obey laws that are not established with a view to the common welfare, or laws that do not succeed in attaining the common advantage, despite the efforts made by lawgivers to establish them with a view to the citizens' advantage. Is Aristotle referring to one kind of lawfulness in particular or to any kind whatever, when he says that everything in accordance with law is in a way just? In other words (my earlier question), does he think that even lawfulness as obedience to bad laws can be just?

It might be supposed that justice is a matter of obedience to the laws settled in a political community, even imperfect laws<sup>3</sup>. *NE* V, 1129b11-19 suggests that, when Aristotle refers to lawfulness, it is basically obedience to existing laws that he has in his mind, even though such laws are defective. After all, to be *nomimos* means to put oneself in relation to the norms generally accepted by the community, such norms consisting not only in written enactments, but also in a set of values and kinds of behaviour shared by the citizens<sup>4</sup>: the obedience of all the citizens to the laws will in most cases be a source of order and well-being in the polis.

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<sup>3</sup> See R. Kraut, 2002, p. 101.

<sup>4</sup> See R. Kraut, 2002, p. 105.

On the other hand, it seems that the laws prescribed by any political community should guarantee at least some degree of stability and prevent people from engendering conflicts with their fellow-citizens. Even more, provided that the Aristotelian expert lawgiver will be committed to orientating the citizens to a virtuous behaviour and not to passive obedience to the laws, justice will not be a feature of the laws themselves, but rather a matter of one's attitude towards the laws. Given that people should be capable of assuming a critical attitude towards bad laws, it appears that it is not mere obedience to law what Aristotle has in mind when he speaks of lawfulness, because there might be laws which do not prescribe good behaviour and to obey them might generate instability or disorder in the polis.

Nevertheless, nowhere does Aristotle point out that he is referring to perfect and good laws; if he did, only obedience to absolutely good laws would make an individual just, which does not fit well with the idea that everything lawful is *in a way* just. My view is that by 'obedience to law' Aristotle does not seem to mean exclusively obedience to non-defective laws, i.e. laws as they would be set up by experts in the art of politics, but, on the contrary, he assumes that such a lawfulness applies also to imperfect forms of government. In that case, Aristotle's concept of lawfulness would refer both to a perfect law, i.e. a law by compliance to which citizens may become virtuous, and to existing laws which do not manage to attain the level of perfection of the former.

A first objection to my thesis might be that, when Aristotle claims at *NE* V, 1129b12 that everything which is lawful is in a way just, the '*ta nomima*' he mentions are not referred to the perfect law, just insofar as they are 'in a way' just; had Aristotle been referring to perfect laws, he would rather have claimed that they are just '*haplōs*',

which Aristotle tends to employ mostly in relation to ideal realities<sup>5</sup>. Another objection might be that, were a just person someone who clings exclusively to perfect laws, he would not get easily involved in the political affairs of less perfect communities, and therefore he would not be able to perform his role as he would be capable of doing<sup>6</sup>. To these objections a response is provided by the remainder of Aristotle's argument, which, in my view, reveals that even an ideal, perfect law is included in the concept of lawfulness, and not only any existing law whatever.

At *NE* V, 1129b14-17 Aristotle says that

«οἱ δὲ νόμοι ἀγορεύουσι περὶ πάντων, στοχαζόμενοι ἢ τοῦ κοινῇ συμφέροντος πᾶσιν ἢ τοῖς ἀρίστοις ἢ τοῖς κυρίοις [κατ' ἀρετὴν] ἢ κατ' ἄλλον τινὰ τρόπον τοιοῦτον»,

i.e.

«whenever they pronounce about anything, [the laws] aim either at what is of common advantage to all, or at what is of advantage to the best people, or those in power, or on some other basis of this sort»,

and, as he continues at *NE* V, 1129b17-19,

«ὥστε ἓνα μὲν τρόπον δίκαια λέγομεν τὰ ποιητικὰ καὶ φυλακτικὰ εὐδαιμονίας καὶ τῶν μορίων αὐτῆς τῇ πολιτικῇ κοινωνίᾳ»,

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<sup>5</sup> See R. Kraut, 2002, p. 112.

<sup>6</sup> See R. Kraut, 2002, pp. 112-13.

i.e.

«So that in one way we call just the things that create and preserve happiness and its parts for the citizen community»,

which suggests that whatever does not promote and preserve the common happiness is excluded by the concept of justice<sup>7</sup>.

The reading of *NE* V, 1129b14-17 is complicated by some difficulties raised by the text as it has come down to us. Rowe's translation, which I have adopted, omits the phrase 'κατ' ἀρετήν' referred to 'οἱ κύριοι' at *NE* V, 1129b16, which is bracketed in the Oxford Classical Text; the sense, with 'κατ' ἀρετήν' would be: 'those who have power based on virtue or on some other such thing'<sup>8</sup>. If we omit the expression 'κατ' ἀρετήν', we might think that the laws Aristotle is talking about are not necessarily established according to ethical excellence; in other words, we might think that *aretē* is not necessarily required for the making of a law, given that there might be laws established by people who are in power without being virtuous.

In that case, when Aristotle speaks of just laws, he would not be thinking only of good laws, but even of bad ones, that do not aim at common utility. In this respect, Aristotle might be referring to any possible criteria according to which rulers establish the laws, even in the case of bad constitutions, whose rulers draft laws for their own

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<sup>7</sup> On the relationship between justice conceived as lawfulness and the happiness of the whole community see R. Bambrough, 1965; C. Despotopoulos, 1969, p. 290; E. Riondato, 1978; G. Santas, 2001, p.280; P. Shorey, 1924; P. Trude, 1955, p. 55; G. Zanetti, 1993, pp. 20-1. These commentators also point out that, when justice is not connected to the common interest, a different form of legality can be found; a form which-as I will try to explain at pp. 105-10 of this chapter-approaches the former kind of justice by resemblance.

<sup>8</sup> See R. Kraut, 2002, p. 113, footnote 24.

advantage at the expenses of the common one. However, I believe that, whether we retain or bracket/omit the phrase ‘κατ’ ἀρετήν’, Aristotle has only good laws in mind, provided that they aim at producing at least some degree of happiness for the community as a whole and for its members individually taken<sup>9</sup>.

If so, when Aristotle says that the laws should aim at the συμφέρον of the ἄριστοι or of the κύριοι or κατ’ ἄλλον τινὰ τρόπον τοιοῦτον, by ‘κατ’ ἄλλον τινὰ τρόπον τοιοῦτον’ he might be referring to any other similar criterion of power, like wealth or free birth. But if we maintain that the laws to which Aristotle is referring must produce the common happiness, wealth and free birth will be accepted as criteria for the establishment of laws only if they manage to guarantee the well-being of the whole polis rather than the happiness of a small part of it; any kind of advantage mentioned should be compatible, at least to some extent, with the common happiness, and this would support the view that laws must have some degree of goodness in order to be taken as a source of justice. If not, we would not be able to explain how each of these criteria can be of a similar kind to the types of advantage explicitly mentioned by Aristotle (i.e. common advantage, advantage of the best people and advantage of those in power).

So far, Aristotle has not explicitly said what kind of law he is referring to, whether an ideal law or less perfect enactments in force in existing communities. Nothing rules out that the Aristotelian idea of lawfulness includes both the ideal law, as it would be devised by the lawgiver’s art, and also imperfect laws existing in defective communities, which nevertheless are run according to some degree of excellence, given that what is lawful is what is according to laws which aim at the common happiness. I have already reported the objection of those who maintain that Aristotle is not referring

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<sup>9</sup> For a similar view, see G. Zanetti, 1993, p. 20.

to the perfect law, given that, had it been the case, he would have used the adverb ‘ἄπλῶς’ instead of ‘πῶς’. My reply to this objection is that the phrase ‘in a way’ does not refer to imperfection in existing laws, but rather to the idea that the lawfulness of things and kinds of behaviour is established by the lawgiver’s art, which is introduced by Aristotle just after his equation of justice with lawfulness. This does not necessarily entail that the laws to which Aristotle is referring are exclusively perfect laws; as I have just shown, there might be laws which are good to some extent, depending on the degree of excellence they achieve.

As I believe, the defectiveness of imperfect laws does not indicate that these are not made according to the legislative art; rather, these laws might be defective in so far as they abide by perfect legislative art *only to some degree*, i.e. not completely. Even though Aristotle thinks of *hē nomothetikē* as a unique, perfect legislative art, nevertheless different degrees of competence might be admitted, degrees to which there would correspond laws with respectively different degrees of goodness. It is true that the Aristotelian argument mentions only one kind of *nomothetikē* and that Aristotle does not make any explicit reference to less perfect forms of it; still, if everything lawful is in a way just, even defective laws, and what is just is established according to the lawgiver’s art, defective laws cannot be just unless we suppose that they refer, at least to some degree, to the perfect art. The only way to save the view that even existing laws are just is that such laws are devised according to some form of competence, even though it is not the perfect one.

That by ‘lawfulness’ Aristotle does not mean obedience to perfect laws only is evident in the *Politics*, where he provides various descriptions of constitutions, either right or deviant, which are less perfect than the ideal form of government according to various degrees of inner excellence. When we think of imperfect laws, we should not regard them as established without any level of competence at all; rather, they might

*approach* the legislative art in some way. The ‘γάρ’ at *NE* V, 1129b12 (see p. 83 above) establishes a tight connection between the statement that everything in accordance with law is in a way just and the idea that everything made according to the lawgiver’s art is lawful; as it seems, it explains the reason why everything in accordance to law is ‘in a way just’, and even though Aristotle does not explicitly claim that it is the only reason, he does not provide alternative reasons besides the idea that the lawgiver’s art is the source of lawfulness; as it were, he does not introduce this possibility as only one among different alternatives; that is to say, he does not mention other kinds of law that might be taken as lawful. Had he thought of some alternative reasons, he would probably have reported them to substantiate his argument. The reasonable inference from this, I think, is that the kind of lawfulness Aristotle has in mind is indissolubly related to *hē nomothetikē*.

The solution I suggest, then, is that what is *nomimos* is both what is established according to the perfect legislative art and what *approaches* it *by resemblance*. Certainly the laws made according to the perfect art would be the source of a higher degree of justice than the laws made according to some form of competence that only approaches that of the perfect art. But given that positive laws, even though imperfect, can promote some degree of happiness for the whole of the political community, obedience to them will make the individual ‘in a way’ just, in that such laws are *approximations* to the ideal laws which are devised by such an art<sup>10</sup>. I believe that the idea of approximation is capable of explaining how the concept of lawfulness includes both the ideal and less perfect laws, and would also explain the sense of the phrase ‘πὼς δίκαια’ at *NE* V, 1129b12. I suggest that πὼς allows a reference *both* to the lawfulness that comes about from the true legislative art *and* to the lawfulness that

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<sup>10</sup> A similar reading is provided by T. H. Irwin, 2002, p. 623, footnote 1.



stems from less perfect (although not completely bad) laws, i.e laws that approach the ideal law according to *nomothetikē*.

Aristotle's train of thought might be the following. Given that the lawgiver's art (the perfect one) produces good laws, all the laws devised according to such art will be good at the highest level; on the other hand, when it comes to laws which do not manage to capture properly the ideal promoted by the lawgiver's art, these will be lawful *insofar as* they approach the ideal law, which is established by the true lawgiver's art. In that case, 'πῶς' would allow that there might be some resemblance between defective laws and the ideal law of *nomothetikē*. This might be a reason why Aristotle adopts the phrase 'in a way' in relation to 'just' instead of the saying 'in absolute terms'. Had he used the adverb 'ἁπλῶς', he would have drawn out attention exclusively to what is unqualifiedly just, namely to justice in the ideal sense; but, we have seen, there are other ways of understanding lawfulness besides conformity to the legislative science, e.g. the utterances of laws that are not established according to legislative art, where people abide by the law notwithstanding their badness<sup>11</sup>; the case of the worst laws, i.e. laws completely untouched by the competence of the lawgiver, seem not to be part of what Aristotle is referring to, even though people do abide by such laws. Rather, Aristotle seems to suggest that only *one* among such ways, i.e. lawfulness as obedience to laws with at least some degree of goodness is the source of justice.

It is true that Aristotle does not make it clear explicitly that his concept of lawfulness includes even imperfect laws and neither, as a matter of fact, when he speaks of the lawgiver's art, does he specify that more than one degree of perfection is included in the concept of *hē nomothetikē*; nor, indeed, does he mention different

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<sup>11</sup> See R. Kraut, 2002, p. 113.

degrees of excellence among universally just actions. But at *NE* V, 1129b24-5, after claiming that the law enjoins actions according to excellence of character, he adds:

«ὀρθῶς μὲν ὁ κείμενος ὀρθῶς, χεῖρον δ' ὁ ἀπεσχειδιασμένος»,

i.e.

«correctly, if the law has been laid down correctly, but less well if it has been merely improvised»;

which would prove his awareness that laws can have different degrees of perfection.

This should not, in my opinion, be interpreted as an admission of the fallibility of the law, as instead Bostock supposes<sup>12</sup>. While commenting on *NE* V, 1129b26, Bostock argues that, when Aristotle claims that a law can be set out badly when it is 'improvised', what he intends to show is that law is not infallible; in order to support his view, Bostock makes reference to Aristotle's interest in equity as a form of correction of laws when these, because of their generality, cannot sometimes be applied successfully in a particular case<sup>13</sup>. Aristotle speaks of ἐπιείκεια (which is commonly translated with 'equity', but is translated by Rowe with 'reasonableness'), at *NE* V, 1137a31-1138a3, and he tries to account for the way in which it relates to justice. The problem he identifies is that, apparently, the 'reasonable' is the same as 'the just', but, if seen under a different light, the reasonable is something that 'runs counter to what is

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<sup>12</sup> See D. Bostock, 2000, pp. 55-6.

<sup>13</sup> See D. Bostock, 2000, pp. 56-7.

just'<sup>14</sup>, given that it consists in some sort of correction of the law, all law being universal, and being unable to make correct universal pronouncements on some things<sup>15</sup>.

Now, it is true that, on some occasions, laws may not be well applicable to particular cases and lawgivers may adopt individual measures which laws by themselves would be unable to prescribe with reference to such cases; however, when considered under a different light, equity, instead of being a signal of the imperfection of some laws, may turn out to be the expression of an attempt to approach the ideal of justice which only laws established according to *hē nomothetikē* can prescribe. In my view, when at *NE* V, 1129b24-5 Aristotle claims that some laws enjoin virtuous actions less well than others which have been laid down 'correctly', what he seems to be showing here is only that there might be better and worse laws, not that no law in general is infallible; as I believe, the argument of equity/reasonableness introduced by Bostock may be misleading if applied to the reading of the passage in question. Rather, what can be drawn of this passage is that some laws, more than others, will approach the ideal one, i.e. the one established by the true lawgiver's art, by virtue of their being established correctly. A degree of resemblance of an imperfect law to a perfect paradigm will make a law to some extent reliable.

The rest of the argument, at *NE* V, 1129b17-19, shows that the laws must promote happiness for the whole of the political community, so that all the laws that are unable to contribute to the welfare of the whole community seem to be excluded from the concept of justice. If the kinds of advantage at which the laws aim must be compatible with the common happiness, and even promote it, it seems that the laws

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<sup>14</sup> See *NE* V, 1137b2-4, where Aristotle assumes that it might seem odd that the reasonable should be something praiseworthy when it is something 'παρὰ τὸ δίκαιον'.

<sup>15</sup> See Aristotle, *NE* V, 1137b13-14.

must be devised according to some degree of excellence, although they cannot reach the ideal.

A last note is worth making. Aristotle's philosophical argument shows how different his equation of justice with lawfulness is from the uncritical equation made by common opinion. Even though such an argument is construed so as to dismantle erroneous beliefs about justice, we should not forget that the Aristotelian argument originates from an *endoxon*, according to which justice is on the one hand obedience to law, on the other hand equal-mindedness. A characteristic of Aristotle's statements is that they might be read in a different light if viewed according to the perspective of the people's beliefs. For instance, the phrase 'in a way just' at *NE* V, 1129b12 may be read as entailing that everything consonant to any law whatever is just. Although the phrase is connected to the idea that what is lawful is what has been established by *nomothetikē*, people may think of *nomothetikē* as an arbitrary skill at ruling. Likewise, when Aristotle claims that laws aim at many kinds of advantage, not only the common advantage of all or the advantage of the best people, but also the advantage of the people in charge of political offices, he probably means that even obedience to the laws in force in the worst cities, aiming only at the advantage of incompetent rulers and therefore devised without excellence, is a source of justice.

It is also true that, in people's opinion, the laws should aim at the common happiness, so that the '*ōste hena men tropon dikaia legomen*' at *NE* V, 1129b17 might also hint at what people generally say about the aim of the laws, and not only at Aristotle's philosophical thesis. The *hena men tropon*, which, according to Aristotle, seems to refer to the idea of justice as lawfulness, might also reasonably be applied to the idea of lawfulness as held by those who believe that it is obedience to any law whatever, even to bad laws. That nowhere in his argument does Aristotle hint at a possible incompatibility between justice as lawfulness, aimed at the promotion of the

common happiness, and justice as obedience to bad laws, fosters the sense of ambiguity in the passage in question, which might be also interpreted in terms of what common people believe.

However, that Aristotle's view distances itself from the *endoxa* becomes clear when at *NE* V, 1129b19-24 he claims that the law enjoins actions performed according to excellence of character, so that the *endoxa* cease to be empty beliefs and are changed into a philosophical position, according to which the legal character of justice is not to be reckoned as a mere application of law, whatever law is.

### 3.3: *The Lawgiver's Art*

So far, I have dealt with the issue of lawfulness in the context of justice, and confined myself to showing that lawfulness is to be conceived as obedience to both the perfect law and moderately defective laws, without investigating the idea of a 'perfect law' and of the art according to which such a law is devised. In this section, I would like to concentrate on the ideal aspects of the law and of the lawgiver's art, and show the relationship between *ho nomos* and *hē nomothetikē*.

We might wonder how the lawgiver's art contributes to the making of such a law. *NE* V, 1129b11-19 suggests that the laws aiming at the common happiness are the same things that are marked off by the lawgiver, which are *nomima* insofar as they are determined by the legislative art or only approach it; in that case, it seems reasonable to believe that the lawgiver's art must be involved in the realisation of the aim of laws, i.e. happiness of the whole of the political community. The reference to a perfect *nomothetikē* art might indicate when a law is well or badly established; in that case, the idea of a perfect legislative science would be regarded as the measure of the goodness and badness of concrete laws and might even indicate a way to improve them.

As I have tried to show before, Aristotle's argument indicates that what the lawgiver's art establishes cannot be bad: his claim that everything lawful is just seems ultimately to rely on the assumption that the lawgiver's art is infallible, and whatever approaches it relies in any case on a stable model, capable of guaranteeing the highest degree of goodness in the making of laws. His statement at *NE* V, 1129b12-14 reveals the role played by the lawgiver's art in the establishment of justice; still, all the same, it seems to shed light on the idea of a law which is not a mere result of his activity, but something prior to it; a source of inspiration, as it were, for the lawgiver himself and, it might be suggested, what makes his art objectively grounded and infallible.

The adjective *nomimos*, in fact, we might well take as referring not only to *hē nomothetikē*, but also to *nomos*, given that *nomimos* means primarily 'according to law'. On the one hand, Aristotle is explaining that people will perform just actions by sticking to the things marked off by the lawgiver's art, so that *nomimos* would refer to such an art; on the other hand, it should also be recalled that what the lawgiver aims at is the establishment of excellence that will contribute to the happiness of the political community, and the actualisation of such a goal according to the lawgiver's art requires the understanding of what the law should prescribe: the ideal character of law, in other words, should be kept in mind by wise lawgivers when they make laws.

At *NE* V, 1129b13 Aristotle refers to the laws in terms of 'τὰ ὁρισμένα ὑπὸ τῆς νομοθετικῆς'; Presumably, these are written enactments made by lawgivers according to art, in order to solve specific problems in the polis. By contrast, he uses the word 'οἱ νόμοι' at *NE* V, 1129b14, where he points out that the kinds of advantage the laws aim at are established with a view to happiness. But, above all, he talks of ὁ νόμος also in the already mentioned *NE* 1129b19-24, in which he explains what the law should enjoin, namely ethical excellence:



«προστάττει δ' ὁ νόμος καὶ τὰ τοῦ ἀνδρείου ἔργα ποιεῖν, οἷον μὴ λείπειν τὴν τάξιν μηδὲ φεύγειν μηδὲ ῥιπτεῖν τὰ ὅπλα, καὶ τὰ τοῦ σώφρονος, οἷον μὴ μοιχεύειν μηδ' ὑβρίζειν, καὶ τὰ τοῦ πράου, οἷον μὴ τύπτειν μηδὲ κακηγορεῖν, ὁμοίως δὲ καὶ κατὰ τὰς ἄλλας ἀρετὰς καὶ μοχθηρίας τὰ μὲν κελεύων τὰ δ' ἀπαγορεύων»,

i.e.

«But the law also enjoins us to do what the courageous person does (e.g. not leaving one's post, or running away, or throwing down one's weapons), and what the moderate person does (e.g. not committing adultery, or rape), and what the mild person does (e.g. not throwing punches, or resorting to verbal abuse)- and similarly in accordance with the other excellences and the corresponding forms of badness, ordering us to do some things and forbidding others».

The law Aristotle is describing in this context is not any law whatever, since it prescribes the kind of virtuous behaviour which a good lawgiver should promote in the community with a view to common happiness, such a happiness consisting in an activity of citizens according to the whole of the ethical excellences.

Conceived in this sense, the law described by Aristotle at *NE* V, 1129b19-24 expresses the ethical values by which good lawgivers are inspired in their framing a constitution; in this respect, such an ideal law would be a measure of the lawgiver's art and, presumably, also of the goodness of the things established by lawgivers themselves. As it seems, ὁ νόμος here expresses some ideal version of law, since what

it prescribes are not the immediate resolutions of particular laws in any given polis, but, more generally, common advantage and excellence of character.

However, ὁ νόμος does not seem to be separate from τὰ ὠρισμένα ὑπὸ τῆς νομοθετικῆς, which are real legislative measures. Aristotle might be simply describing two different aspects of the law, and not two different laws: on the one hand, its specific content (i.e. particular laws as they are set up by the lawgiver); on the other hand, the ideal towards which a law strives, i.e. excellence of character/happiness. This second aspect of the law, which is presumably the aspect to which Aristotle refers at *NE* V, 1129b19-24, illustrates in some way its ideal nature, since it shows how laws should be in order to promote justice in every circumstance. The expression ‘τὰ ὠρισμένα ὑπὸ τῆς νομοθετικῆς’, instead, seems to indicate that Aristotle is talking of existing laws, and not of a vague idea of law detached from political reality.

Now, it is difficult to believe that Aristotle is referring to a single law described according to two different perspectives. The idea of a perfect law seems to be very distant from concrete political laws; for instance, it might be objected that we will never find any law made by a lawgiver saying ‘behave according to courage’ or ‘perform mild actions’, but, rather, laws that regulate the allotment of private portions of land, that solicit the payment of money for some injustice, or that warn us against committing adultery etc. Apparently, *the* law, as it is described in the account of universal justice, is different from the specific decrees in force in some kinds of polis.

Rather, the excellence prescribed by law might be seen as the long-term aim of particular laws; in that case, there would not be any universal law, more ambitious than others, which aims at promoting the excellence of the citizens alongside a less ambitious law that deals with more concrete matters (for example, the distributions of honours and money). Then, we might distinguish the aims of law into two aspects:



- 1) ethical excellence as a long-term aim;
- 2) resolution of specific matters in the community as an 'immediate' aim.

*NE* V, 1129b19-24 reveals the ethical aspect of law<sup>16</sup>, given that what law prescribes (in one of its aspects) is the whole of ethical excellence; if the lawgiver acts according to his art, the things marked off by him will provide the citizens with a model for acting according to *ēthikē aretē*. In that case, the ideal law, given its capacity to produce happiness and ethical excellence, might be *the* law by reference to which things are held to be *nomima*, being a paradigm that suggests how every law should be; given that what is according to the law is determined by the lawgiver's art, whoever possesses such art must know what the law is and what it prescribes. So, in one way, the ideal law that orientates the lawgiver's art towards the making of particular laws would be the condition of its goodness; according to another point of view, the *nomos* is not separate from the particular laws made by the lawgiver according to art, just because it represents the end that the lawgiver should have in mind when he drafts a law, i.e. ethical *aretē*.

So far, I have tried to show that *the* law, i.e. the law underlying the lawgiver's art, represents the ideal by tending to which particular laws will necessarily prescribe just actions. This might suggest that the task of a good lawgiver will consist in finding procedures leading to ethical excellence. What I am going to do now is to develop the idea of *hē nomothetikē* by introducing an interesting argument of Book VI of the *Nicomachean Ethics*, i.e. that in which the lawgiver's art is described as a form of *phronēsis*. I will make use of the relationship between *phronēsis* and *aretē* established

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<sup>16</sup> Cf. Shorey's objection to Vinogradoff's legal approach to universal justice in P. Shorey, 1924, p. 279: «Aristotle's Universal Justice seems to me an ethical, rather than a legal, conception and what legal reference there may be is brought in only in subordination to, and in illustration of, the ethical ideal».

in the first part of this thesis to show that the lawgiver's art cannot be separate from *ethikē aretē*, which is the end at which *ho nomos* aims.

As we have seen, the true lawgiver's art will work on ends like ethical excellence and common happiness, i.e. ends which are prescribed by the ideal law and which lawgivers ought to reproduce in the form of particular enactments. In this respect, we may find an analogy between legislative art and *phronēsis* as it is described in Book VI of the *Nicomachean Ethics*. That the lawgiver's art can be taken as a form of wisdom is explicitly stated at *NE* VI, 1141b23-4, where Aristotle says that

«Ἐστι δὲ καὶ ἡ πολιτικὴ καὶ ἡ φρόνησις ἡ αὐτὴ μὲν ἕξις, τὸ μέντοι εἶναι οὐ ταῦτον αὐταῖς»,

i.e.

«political expertise and wisdom are the same disposition, but their being is not the same».

As he goes on to explain, the former is practised with reference to the whole of the city, whereas the latter is confined to the happiness of the individual who possesses it<sup>17</sup>.

With this relationship as given, the description of *phronēsis* may help us to discover aspects of legislative art which are not explicitly stated by Aristotle; even more because political expertise, as we are going to see, is described as a form of *phronēsis* and therefore is not merely analogous to it<sup>18</sup>. When Aristotle describes the

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<sup>17</sup> See Aristotle, *NE* VI, 1141b24-30.

<sup>18</sup> For an account of legislative art and political expertise as forms of *phronēsis* see R. Bodéüs, 2004, pp. 65-78.

first kind of disposition, namely the one that relates to the city, he identifies two different forms of political wisdom: legislative expertise, i.e. *nomothetikē*, and political expertise, i.e. *politikē*, which, as I propose to explain, are deeply related, although Aristotle describes them as separate skills:

«Of the disposition as it relates to the city, the architectonic form of wisdom is legislative expertise (*nomothetikē*), while the form of wisdom at the level of the particular is given the generic name ‘political expertise’ (*politikē*), and this is concerned with action and deliberation, since a decree (*psēphisma*) is something to be acted upon, as what comes last in the process. This is why only people at this level are said to take part in politics, because only they *do* things, like the various kinds of manual workers»<sup>19</sup>.

In this context, legislative expertise seems to be distinguished from the political on the basis of its being *architektonikē*. In order to find out what *nomothetikē* really is, we need to investigate what ‘*architektonikē*’ means.

If we look back at Book V, we will see that a lawgiver who acts according to *nomothetikē* will not work as a manual worker does, if by ‘someone analogous to manual worker’ we mean a person like a magistrate or someone who confines himself to putting into effect the orders dictated by someone else, sometimes even without knowing the reason why these are prescribed<sup>20</sup>. Rather, a lawgiver will be a person who marks off particular things with a higher end in mind: the promotion of happiness in the community. Were the art of the lawgiver based on mere ability to pursue any end regardless of its nature, neither would the things marked off accordingly prescribe

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<sup>19</sup> Aristotle, *NE* VI, 1141b25-30.

<sup>20</sup> See R. Bodéüs, 2004, p. 66, footnote 2.

ethical excellence, nor would they promote happiness for the whole of the community. In the same way, *phronēsis* is not described as the mere ability to reach some end which has been established arbitrarily, as Aristotle points out at *NE* VI, 1144a23-8:

«There is an ability that people call ‘cleverness’<sup>21</sup>; and this is of a sort such that, when it comes to the things that conduce to a proposed goal, it is able to carry these out and do so successfully. Now if the aim is a fine one, this ability is to be praised, but if the aim is a bad one, then it is unscrupulousness; which is why we say that both the wise and the unscrupulous are clever. *Wisdom is not identical with this ability, but is conditional upon it*».

As we have seen in chapter II of my thesis, Aristotle acknowledges that, although ethical *aretē* and wisdom seem to have different roles in the process of good deliberation, i.e. respectively of making the goal and what leads to it correct<sup>22</sup>, at *NE* VI, 1144a29-b1 he says that *phronēsis* cannot exist without excellence. In the same way, we might suggest that the starting point for the lawgiver’s activity according to the legislative art should be the knowledge of what end is best to aim for, and the best end in absolute terms is the one provided for by the law on which his art rests: happiness. The task of the lawgiver’s art will be to find means to reach *this* end. Just as ethical *phronēsis* is a different matter from *aretē*, but cannot be possessed without *aretē*, in the same way political expertise will not be practised without *hē nomothetikē*, given that Aristotle is not referring here to mere cleverness.

I proposed so far that *hē nomothetikē* is grounded in a law that prescribes ethical excellence as a source of happiness for the citizens of a community; given that

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<sup>21</sup> δεινότητα.

<sup>22</sup> See Aristotle, *NE* VI, 1144a7-8.

universal law, as we have already hypothesized, is an ideal one, it seems plausible to suppose that the lawgiver's art too is taken in its ideal aspect, just insofar as it depends on such a law. Aristotle is not speaking here of any art liable to improvements or refinements, which would turn out to be only an approximation to the ideal and therefore capable of making mistakes. Had Aristotle been referring to such kinds of art, provided that the interpretation of *NE* V, 1129b12-14 I have suggested is right, he would never have appealed to the lawgiver's art in order to show that things according to law are always just.

Having said this, we might see how the difference drawn between *hē nomothetikē* and the form of political expertise more concerned with particulars, i.e. *hē politikē*, may allow us to understand how the lawgiver's art comes into being, and how it relates to concrete political experience. In order to clarify the specific roles of *nomothetikē* and *politikē* and establish their mutual relationships, let us take up *NE* VI, 1141b25-30. Apparently, the so-called political expertise is more specifically concerned with deliberation and action than legislative expertise *per se*, given that *hē nomothetikē* is described as having to do with a process of general reasoning, whereas *hē politikē* is concerned with the final action that is the outcome specific choices; in this specific context, Aristotle seems to be making a distinction between a decree, which is the last term in the process of deliberation, and law at the basis of legislative expertise. *Only* people who are at the level of what comes last in the process of action and deliberation are said to take part in politics, Aristotle says, and in this respect they act *as though* they were manual workers.

Presumably, when Aristotle refers to such people as the only individuals said to take part in politics, he does not mean that those who possess legislative expertise are never involved in the life of the polis, nor does he suggest that their task in the polis has nothing to do with action and deliberation. On the other hand, that people operating at

the level of particular actions and deliberations are compared to manual workers does not necessarily imply that none of them possesses an ‘architectonic’ form of wisdom.

The distinction drawn between *nomothetikē* and *politikē* might be a conceptual one, and it does not necessarily imply that whoever possesses the *architectonikē* legislative art is not endowed with political expertise or *vice versa*; for instance, as Aristotle claims at *Pol.* I, 1260a17-19, people in power in the ideal polis must possess complete excellence of character:

«τὸν μὲν ἄρχοντα τελέαν ἔχειν δεῖ τὴν ἠθικὴν ἀρετὴν (τὸ γὰρ ἔργον ἔστιν ἀπλῶς τοῦ ἀρχιτέκτονος, ὁ δὲ λόγος ἀρχιτέκτων)»,

i.e.

«The ruler [...] must possess moral goodness in its full and perfect form [i.e. the form based on rational deliberation], because his function, regarded absolutely in its full nature, demands a master-artificer, and reason is such a master-artificer»,

which suggests that architectonic wisdom is the excellence of people engaged in the rule of the polis and not exclusively of individuals only indirectly involved in political life; people that, presumably, might have participated before in the affairs of the polis as citizens in charge of deliberative and judicial functions<sup>23</sup>, and therefore in possession of *hē politikē*.

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<sup>23</sup> At *NE* VI, 1141b32-3 political expertise (ἡ πολιτική), as distinguished from legislation (ἡ νομοθεσία) is said to be split into deliberative (βουλευτική) and judicial (δικαστική); both forms of *hē politikē* operate at the level of particulars, unlike *hē nomothetikē*.

The individuals in possession of the *architektonikē* art might not participate in the political life in the same way as those who draft specific decrees, in that they might not be involved in the actualisation of *psēphismata*, an activity which is more characteristic of the kind of political expertise concerned with particulars; people who have the *architektonikē* art, for example, might be experts in ethics and general political issues, and therefore capable of setting up good political frameworks in general, by virtue of their possessing the whole of ethical excellence. When it comes to people engaged in political activity at the level of particulars, instead, people who lay down decrees do not always act while having in mind the idea of how laws in general should be; in this respect, as I think, Aristotle compares them to manual workers, although it seems that in an ideal, absolutely good community, their competence might be supported by a general knowledge of how laws should be established and communities organised in general.

Even if people in possession of legislative expertise were not the same persons who draft *psephismata*, nevertheless they might guide the work of those in charge of such a task, for instance through the setting up of the principles by which constitutions are formed. It is true that people engaged as ‘manual workers’ in political activity, either deliberative or judicial, produce decisions upon concrete matters, and it is only at the point of deliberation that wisdom becomes fully practical; still, we might suppose that even those who possess the legislative art are familiar with political decisions, in that such an art, as a kind of *phronēsis*, is engendered through experience, and experience, as we have seen in Chapter II, has mainly to do with concrete particulars than universal principles. This argument seems to apply also to the lawgiver’s art, given

that it is not a systematic knowledge and therefore cannot be acquired in the same way as a scientific discipline<sup>24</sup>.

The same conclusion can be derived from the discussion of *nomothetikē* at *NE X*, 1180b28-1181b15, where Aristotle wonders about the source of the lawgiver's art. At *NE X*, 1180b28-9, he proposes to inquire from what source one might become expert in legislation, given that, as he goes on at *NE X*, 1180b30-1,

«after all, legislation seems, as we saw, to be a part of political expertise».

If the legislative art is acquired through a process of activity at the level of particulars, the lawgiver, in order to get hold of such an art, must be already familiar with particular aspects of the political life. If so, when it comes to legislative art, general views about what is good for the ruling of a polis cannot be separated from experience at the level of particulars, and whoever deals with the highest ends of the law should also possess some degree of expertise in practical decisions. If the lawgiver's art comes about from experience, whoever possesses such an art, as a consequence, will be capable of using his practical expertise also in particular situations.

As Aristotle claims at *Pol.* III, 1279a2-8, nothing prevents the trainer from being on occasions himself also one of the persons who do some training, in the same way as the pilot is always a member of the crew. It may happen, for example, that those who used to be at the highest position in the ruling of the polis end up by getting involved in particular situations where practical wisdom concerned with particulars is more required than a general form of knowledge of what is generally good in a political community, e.g. in forms of government based on the principle of equality between the

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<sup>24</sup> Cf. the already mentioned *NE II*, 1142a11-20 in 2.3 of this thesis.



citizens where people hold office by turn<sup>25</sup>. When those who have occupied political positions as rulers become common citizens, their *phronēsis* inevitably shifts from the level of universal issues to more practical matters that require some kind of ground-level wisdom, either juridical or deliberative. That in Aristotle's view the characteristic activity of the citizen consists in taking part in deliberative and judicial offices<sup>26</sup> seems to mean that citizens are committed to tasks which involve more ground-level wisdom than the architectonic one, and when the rulers become common citizens, presumably they have to cope with such tasks.

So, the analogy drawn by Aristotle between people who take part in politics and manual workers does not entail that 'manual' activity is always disengaged from ideal ends, but, on the contrary, that it should be driven by the awareness that laws should prescribe ethical excellences. In this respect, *politikē* is not always a mere form of experience at making decrees, but a kind of competence which displays itself at the level of particulars without being a separate matter from the search for the highest ends of the law, pursued by *nomothetikē*.

### 3.4: Conclusions

In this chapter I proposed to investigate how Aristotle deals with the issues of law and lawfulness in book V of the *Nicomachean Ethics*. The passage of Book V I have attempted to analyse in the first section is *NE* 1129b11-19; my proposal was to reconstruct the meaning of the equation of justice with lawfulness, which, although introduced by Aristotle in the form of an *endoxon*, i.e a belief commonly held by people, seems to mirror an authentically Aristotelian position.

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<sup>25</sup> See Aristotle, *Pol.* III, 1279a5-8.

<sup>26</sup> See Aristotle, *Pol.* III, 1275a22-4.

I hope to have demonstrated that, in his thought, lawfulness is not to be intended as uncritical obedience to law, whatever law prescribes. A subtle link may be found between the law and the lawgiver's art, which seems to be the source of true lawfulness and justice; I suggested that this link explains in which way whatever is lawful can be regarded as just: only the true legislative art produces just laws, i.e. laws capable of contributing to common happiness. Obedience to a perfect law is not the only kind of lawfulness admissible; conformity to non-ideal laws may be a source of justice in so far as such laws *resemble* the perfect law, i.e. the law made according to the lawgiver's art.

In the second section of this chapter, I have tried to investigate the nature of the lawgiver's art and to illustrate its connections with the issue of law, by showing that Aristotle refers to *nomothetikē* in terms of an art which enables whoever possesses it to establish laws capable of contributing to the common happiness. On the one hand, such an art might be regarded as the real source of lawfulness; on the other hand, it might be a source of inspiration from the ethical values which the ideal law prescribes. As Aristotle shows at *NE* V, 1129b19-24, what the law should enjoin is activity according to each of the ethical excellences possessed by a fully virtuous person, so that to know what such a law prescribes will be the ground of the art of ruling; in other words, at the basis of the ideal legislative art lies the knowledge of the ideal law: to know what the perfect law prescribes should drive the lawgiver towards the making of laws capable of promoting the common advantage.

I have argued that such an ideal law is not a separate law from *ta hōrismena hupo tēs nomothetikēs*, i.e. the existing laws established by lawgivers. I suggested that *ho nomos* represents the long-term aim of the law, which seems to be connected more to its final end than to the immediate resolutions of the particular laws made by lawgivers. Still, Aristotle is not speaking of two different kinds of laws; simply, he might be

referring to a single law, devised with a view to the resolution of specific problems in the polis and at the same time capable of promoting *ēthikē aretē*.

Given that good lawgivers make laws by having in mind the ideal to which every law should aim, they might be thought of as working on fixed, virtuous ends; in this respect, the legislative art can be seen as a form of *phronēsis*, since it provides whatever forwards a good end, i.e. an end made correct by excellence of character. The close relationship between *nomothetikē* and *phronēsis* outlined in Book VI of the *Nicomachean Ethics* is illuminating also because it provides us with useful details about legislative art which are not treated in Book V; the legislative art, for example, is not only a matter of framing good policies, but also presupposes the capacity to deal with concrete political situations, which provides the experience required to formulate general views about the good of the state.

To conclude, even though in Book VI Aristotle draws a distinction between a form of political expertise concerned with universal issues and another more grounded in the particular political situation, such aspects should be combined in good rulers: both forms of wisdom rely on the ends established by *ēthikē aretē*, or otherwise they would be mere cleverness and not a capacity to promote the well being of the whole of the community.

## Chapter IV:

### The ‘Other-regarding’ Aspect of Universal Justice

#### *4.1: Introduction*

In the last chapter I have introduced the issue of law as it is treated in Book V of the *Nicomachean Ethics*; as we have seen, lawfulness was identified with one of the senses in which the notion of justice might be understood. The two senses of justice mentioned by Aristotle were reported in the form of *endoxa*, which might lead us to think that what people usually believe about justice does not correspond to Aristotle’s own conception of justice. However, as I have already suggested before, it seems that Aristotle is keen on developing such beliefs with a view to elaborating his theory of justice. The idea of justice as lawfulness, as we have already seen, induces him to speak of a law which enjoins the whole of ethical excellences, and to identify this ‘meaning’ of justice with complete excellence<sup>1</sup>; in this respect, such a justice might be called ‘universal’. By contrast, justice in terms of *isotēs* is regarded as a single part of excellence rather than being entire excellence itself: this is the source of the well-known Aristotelian distinction between universal and particular justice<sup>2</sup>.

In this chapter I will try to shed some light on the notion of universal justice as it is handled in Book V of the *Nicomachean Ethics*, and to establish its relationships with particular justice. At *NE* V, 1129b30-3 Aristotle claims that universal justice prescribes complete excellence of character to the highest degree, since the person who possesses

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<sup>1</sup> See Aristotle, *NE* V, 1129b25-6: «αὕτη μὲν οὖν ἡ δικαιοσύνη ἀρετὴ μὲν ἐστὶ τελεία».

<sup>2</sup> On the distinction between universal and particular justice see for example R. Bambrough, 1965, pp. 159-63; A. MacIntyre, 1988, pp. 103-4; F. Rosen, 1975, pp. 228-9; B. Yack, 1993, pp. 149-57; G. Zanetti, p. 1993, pp. 18-31.

it exercises his excellence in relation to other people, and not just by himself; such a view finds support in the common belief that justice is an *allotrion agathon*<sup>3</sup>. My starting question will be the following: what makes a virtuous act an *act of justice*? Or, in other words, what causes an ethical excellence to become an *allotrion agathon*, i.e. a good performed in relation to other people?

I suggest that the Aristotelian account of particular justice as *isotēs* may contribute to clarifying the way in which actions done from ethical excellences become *just* actions in the universal sense. I claim that, as a possible (although apparently paradoxical) consequence of the Aristotelian description of universal and particular justice, *isotēs-in a way*-might coincide with what makes an excellence of character something relating to the well-being of the political community; that is to say that particular justice would be the condition of the possibility of universal justice.

I hope to show that each *aretē* belonging to universal justice is itself a form of *isotēs*, insofar as it displays some concern for the well-being of the whole community and contributes to preserving the proportion according to which goods and functions are distributed in the polis; these properties, as I maintain, belong not to ethical excellence *per se*, but to equal-mindedness.

A reasonable objection to my thesis will immediately raise: in the first five sections of Book V, Aristotle seems more committed to stress differences than connections between universal and particular justice. As the relationship between the two forms of justice is established, it seems that not everything lawful is equal, whereas, conversely, everything equal is lawful<sup>4</sup>. If so, how would it be plausible to claim that the *aretai* belonging to universal justice are kinds of *isotēs*?

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<sup>3</sup> See Aristotle, *NE* V, 1130a2-5.

<sup>4</sup> See G. Zanetti, 1993, p. 23; cf. R. Kraut, 2002, p. 103. See also R. Bambrough, 1965, p. 159: «A man who is just in the first sense [universal justice] will necessarily be just in the second sense [particular justice], but a man may be just in the second sense without being just in the first sense».

My reply to that objection will find support in the variety of perspectives according to which the issue of particular justice is approached by Aristotle; as we are going to see in section III of chapter V, besides being treated as a disposition of character, *isotēs* is also described in terms of political activities concerned with distributions of goods and rectifications, and relies on the idea of reciprocity (section V)<sup>5</sup>. My view is that just actions in the universal sense take place in the context described under the notion of ‘particular justice’, and are performed with respect for one’s fellow-citizens just as *isoi* actions.

In order to support my thesis, in the first section of this chapter I will try to demonstrate that, when Aristotle speaks of justice as the whole of ethical excellence, he is referring to justice of a political kind, and not simply to justice in private relationships; in the second section, instead, I will show that in the excellence of *isotēs* is contained a form of being in relation to others of the same political nature as the relational aspect at the basis of universal justice. I am going to call this aspect of justice ‘other-regardingness’.

#### ***4.2: Ethical Excellences in Universal Justice: Their Political Nature***

The notion of justice occupies a prominent role in Aristotle’s ethical theory; in the *Nicomachean Ethics*, he devotes an entire book to investigating what sort of actions it relates to and what sort of intermediate state it is<sup>6</sup>. His approach to the issue is not one-sided; on the contrary, he explores different perspectives according to which justice can be investigated. The first indication about the nature of justice provided by Aristotle is that everyone uses ‘justice’ to mean

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<sup>5</sup> See Bodéüs, 2004, p. 107; cf. B.A.O Williams, 1980.

<sup>6</sup> See Aristotle, *NE* V, 1129a3-5

«the sort of disposition<sup>7</sup> that makes people such as to do just things, i.e. which makes them act justly and wish for what is just»<sup>8</sup>.

That justice is held to be an *hexis* reminds us of its closeness to any other excellence of character: unlike any kind of *epistēmē* or *dunamis*, which seem to relate to both members of a pair of contraries<sup>9</sup> and might be employed with a view to opposite ends, justice will not enable us to do a thing and its contrary; in other words, whoever possesses such an *hexis* will not perform unjust acts.

Now, let us go back to the two senses of justice reported at *NE* V, 1129a33-4: on the one hand, as people think, justice is lawfulness; on the other hand, justice is to be identified with equal-mindedness. As we have seen in the last chapter, the equation of justice with lawfulness established by Aristotle suggests that justice is not obedience to any law whatever, independently of its goodness, but, rather, obedience to a law which enjoins the whole of ethical excellence. This kind of justice, i.e. the justice that prescribes complete excellence of character, is commonly called universal justice.

My concern here will be with one aspect in particular: ethical excellences that belong to universal justice are exercised in relation to other people. As I have said in the introduction to this chapter, I am going to call such a relational aspect of ethical excellences ‘other- regardingness’. As we read in *NE* V, 1129b25-7,

«αὕτη μὲν οὖν ἡ δικαιοσύνη ἀρετὴ μὲν ἐστὶ τελεία, ἀλλ’ οὐχ ἀπλῶς ἀλλὰ πρὸς ἕτερον»,

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<sup>7</sup> ἔξις.

<sup>8</sup> Aristotle, *NE* V, 1129a6-9.

<sup>9</sup> See Aristotle, *NE* V, 1129a13-14.

i.e.

«This justice, [then], is complete excellence, only not without qualification but in relation to another person»,

and, as Aristotle explains at *NE* V, 1129b30-3,

«τελεία μάλιστα ἀρετή, ὅτι τῆς τελείας ἀρετῆς χρήσις ἐστίν. τελεία δ' ἐστίν, ὅτι ὁ ἔχων αὐτήν καὶ πρὸς ἕτερον δύναται τῇ ἀρετῇ χρῆσθαι, ἀλλ' οὐ μόνον καθ' αὐτόν»,

i.e.

«it is complete excellence to the highest degree because it is the *activation* of complete excellence; complete, too, because the person who possesses it has the capacity to put his excellence to use in relation to another person as well, and not just by himself».

As we can see, Aristotle is insisting on a particular aspect of justice, i.e. a kind of relation to other people which is proper to those possessing such a disposition; as he will explain at *NE* V, 1130a3-6, that is why people regard justice as an *allogtrion agathon*:

«διὰ δὲ τὸ αὐτὸ τοῦτο καὶ ἀλλότριον ἀγαθὸν δοκεῖ εἶναι ἡ δικαιοσύνη μόνη τῶν ἀρετῶν, ὅτι πρὸς ἕτερόν ἐστιν· ἄλλω γὰρ τὰ συμφέροντα πράττει, ἢ ἄρχοντι ἢ κοινωνῶ»,



i.e.

«It is also for the same reason, i.e. that it relates to another person, that justice alone of the excellences is thought to be someone else's good-because the just person does what is of advantage to someone else, whether someone in power or associate».

By describing justice as 'someone else's good', Aristotle implies that the effects of such a good will not be exclusively felt by the possessors of justice, but also to those towards which one is just<sup>10</sup>. When Aristotle engages in a description of the various excellences of character, he seems to stress their being practicable because of themselves with a view to individual happiness rather than their being the outcome of one's virtuous conduct in relation to other people; in this respect, justice as the whole of ethical excellence immediately appears as a different kind of disposition from the rest of ethical virtues. As Aristotle explains at *NE* V, 1129b33-1130a1,

«many people are able to display their excellence in relation to what belongs to them, but incapable of doing so when it comes to dealing with another person»;

in other words, a virtuous action does not necessarily need to be performed with regard to other people, but when we speak of justice in the universal sense we cannot think of

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<sup>10</sup> On the notion of *allotrion agathon*, see G. Zanetti, 1993, p. 21: «La giustizia universale si differenzia dalle altre virtù grazie al suo costitutivo rapportarsi all'*altro*: essa rappresenta dunque il fondamento intersoggettivo della virtù, la fondamentale interazione presupposta da Aristotele nella sua concezione della giustizia come virtù *sociale*, ponte teorico fra ciò che in epoca moderna sarebbero stati definiti come ambiti dell'etica e della politica». Cf. R. Bodéüs, 2004, pp. 109-12. A different perspective on the issue is offered by F. Rosen, 1975; Rosen compares the Aristotelian treatments of justice as *allotrion agathon* with the argument provided in Plato's *Republic* 343C; unlike Thrasymachus, who claims that justice is a 'good of others' insofar as it works to the advantage of the stronger, Aristotle uses that expression to indicate that justice serves the advantage of virtuous men (pp. 229-30).

an ethical excellence simply as exercised exclusively in view of an individual's ethical perfection. I will now try to explore the idea of the 'other-regardingness' of universal justice and investigate its nature by reference to the other ethical excellences which this notion of justice seems to encompass.

As it seems, the notion of universal justice will not be fully understood unless we proceed to investigating the elements which such a notion involves. We might start by concentrating on the ethical excellences that universal justice includes. What is immediately worth noticing is that, in the context of universal justice, ethical excellences are treated in a different way from the way in which Aristotle describes them in Books II, III and IV of the *Nicomachean Ethics*; as I have suggested above, in the latter case they are not illustrated in terms of being in relation to other individuals.

The difference between justice and simple excellences of character is stressed at *NE* V, 1130a12-13:

«ἐστὶ μὲν γὰρ ἡ αὐτή, τὸ δ' εἶναι οὐ τὸ αὐτό, ἀλλ' ἢ μὲν πρὸς ἕτερον, δικαιοσύνη, ἢ δὲ τοιάδε ἕξις ἀπλῶς, ἀρετή»,

i.e.

«while it is the same disposition, what it is to be the first [excellence] is not the same as what it is to be the second [justice]; rather, in so far as the state relates to another person, it is justice, while in so far as it is this sort of disposition without such a qualification, it is excellence».

This suggests that the idea of an ethical excellence exercised with reference to other people is not necessarily entailed by the definition of ethical *aretē* given at *NE* II,

1106b36-1107a1, where it is described as a sort of intermediacy between passions and affections.

A person may act according to his ethical *aretē* without this affecting someone else's life; for instance, the actions of a temperate individual might be concerned uniquely with his own affairs and not necessarily involve any kind of relation with others, e.g. when one's refraining from overeating benefits no one besides oneself<sup>11</sup>. The same holds true of courage: for instance, in isolated hand-to-hand combat, one's capacity to dominate fear may be exercised exclusively for the sake of individual safety, given that no one else beside oneself is at risk<sup>12</sup>.

These examples suggest that concern for the good of other people is not to be found within ethical excellence *per se*. But, if so, how do excellences of character come to be displayed with regard to other people? Let us take up the already mentioned passage at *NE* V, 1129b19-25, in which Aristotle deals with the issue of universal law; as I believe, it reveals that there are cases in which someone's actions affect other people positively or negatively:

«But the law also enjoins us to do what the courageous person does (e.g. not leaving one's post, or running away, or throwing down one's weapons), and what the moderate person does (e.g. not committing adultery, or rape), and what the mild person does (e.g. not throwing punches, or resorting to verbal abuse)-and similarly in accordance with the other excellences and the corresponding forms of badness, ordering us to do some things and forbidding others; correctly, if the law has been laid down correctly, but less well if it has been merely improvised».

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<sup>11</sup> See R. Kraut, 2002, p. 119.

<sup>12</sup> See R. Kraut, 2002, p. 119.

As we can see here, Aristotle's main concern is not to illustrate *aretē* in terms of individual ethical perfection. For instance, when he claims that the law enjoins us to do what the courageous person does, he is not referring to courage in terms of an intermediate state relating to fearing and being bold, as he is at *NE* III, 1115a6, nor is he describing the sort of things according to which we are called courageous or cowardly, in the way he does at *NE* III, 1115a10-b7; rather, he is providing some examples of courage that reveal an interest in a political framework, over and above the individual.

Not leaving one's post, or running away, or throwing down one's weapons are kinds of behaviour that seem to belong to activity within a sort of association where each member is required to play a particular role, in this case a military one; military activity is a very important component of political life, so that someone's failing to respect his role in the military 'association' would mean evading his duties in the community. Similarly, when Aristotle discusses moderation in the passage, he treats this excellence in terms of what the moderate person does to others, and not of what kind of intermediacy moderation is. At *NE* V, 1107b6 he depicts it as an excellence concerned with pleasures and pains, and at *NE* V, 1117b22-1119b18 he sets out to determine to what sorts of pleasures moderation and self-indulgence relate; but no mention is made of the possible consequences of his actions for other people or for the whole of the political community. In Book V, by contrast, self-indulgence is not presented as some lack of ethical perfection in one individual, but rather as a cause of adultery or rape, which are crimes dealt with by justice of the rectificatory kind. These are only two examples of ethical excellence practised with regard to others, but we may extend these observations to all the other *aretai*, and say that they all have important effects in interpersonal relationships. These assumptions fit with what follows, since at *NE* V, 1129b25-7 Aristotle concludes that this kind of justice is complete excellence,

‘not only without qualification but in relation to another person’, and virtuous actions are called ‘just’ when they are employed in the service of others.

Given all this, what kind of regard for others emerges in the account of universal justice? In my view, it is not merely a matter of private interpersonal relationships. It is interesting that, before saying that the law prescribes the whole of ethical excellence, at *NE* V, 1129b17-19, which I mentioned in the last chapter, Aristotle tells us that

«in one way we call just the things that create and preserve happiness and its parts for the citizen community»,

which suggests that the law underlying universal justice enjoins us to perform actions that contribute to the well being of the polis. Regard for others here seems to be of a political kind, not merely inter-personal in a private sense. That in universal justice excellence is aimed at promoting the interest of the whole community and not merely of a few individuals is confirmed at *NE* V, 1130b25-6, where Aristotle says that

«the things that tend to produce excellence as a whole are those legal provisions that have been enacted in relation to education with a view to the common interest».

It is true that an action might be performed with a view to another individual and not affect the general order of the political community, for instance when one has displayed irascibility against another person. This, we might well think, will not compromise the common well-being. It is difficult to believe that a single act of injustice is capable of disturbing the balance underlying a well-governed community, nor is the common interest usually the kind of concern that one has in mind when one acts justly towards someone.

However, we may easily reply that, if any and every citizen were allowed to behave unjustly, disorder would prevail within the polis and the law would lose its power to promote the happiness of each part of the community. In this way, an act of injustice may not only be harmful to someone, but even disruptive for the political community. For instance, an act of adultery might harm one person in particular, i.e. the person wronged, but it will also violate an important norm of behaviour in force in the polis; likewise, an act of cowardice may harm a specific individual, but also damage the order of a military association, as Aristotle seems to suggest in the example provided.

Given all of this, two different aspects of other-regardingness might be identified:

- 1) regard for others in private relations;
- 2) regard for others contributing towards the common interest.

In my view, the other-regardingness Aristotle refers to is a form of regard for others that takes place within the frame of inter-personal relationships and is, at the same time, of a political kind. The common interest, in Aristotle's view, does not seem to be something impersonal, but, rather, it seems to concern individuals as members of a political community; in that case, the other-regarding aspect of universal justice in its private sphere will be easily combined with the public interest. To act with a view to someone else's interest does not mean necessarily to have the advantage of the community in mind; however, it seems that the whole of the community will derive some benefit when a virtuous action is done; the good of the polis, then, does not transcend the good of each individual free citizen, but depends on the good of each of them taken individually.

I think we are allowed to conclude that the characteristic other-regardingness of universal justice is not confined to interpersonal relationships of a private kind, but,

rather, it is concern for other people that determines the *taxis* of the whole political community. Such a *taxis*, in my view, means more than a sheer good functioning of the polis; I believe that, within this frame, Aristotle is referring to the *ethical* order that will subsist in a political community when each individual behaves towards his fellow-citizens according to his or her own excellence of character.

It seems that a polis might be outstanding for its internal order without this entailing that its members possess ethical excellence; they might simply obey the laws in force because they fear the consequences of bad actions, e.g. a bad punishment, and not because they inwardly possess the excellence that good political laws prescribe. However, my impression here is that Aristotle is not concerned with such a possibility, but sets out to stress the ideal character of the law that enjoins complete ethical excellence. If what political laws should promote is inner *ēthikē aretē* towards others, the other-regardingness connected to *ēthikē aretē* in universal justice will contribute to establishing correct relationships between citizens based on authentic excellence of character and not on mere conformity to political laws.

#### ***4.3: Ethical Excellences as Forms of Isotēs***

So far, I have tried to illustrate what kind of other-regardingness is that of universal justice; I have explained that it concerns the well-being and the ethical order of the polis, but nothing has been said about the origin of such a concern for others. We may immediately exclude the possibility that it is to be found in the ethical excellences, since these can be practised without relation to or effect on other people; as a consequence, we should suppose that it is external to them. But, on the other hand, other-regardingness is essential to the notion of universal justice and it seems to be inseparable from ethical excellence in the account of universal justice, given that justice

is, or can be seen as, an *allotrion agathon*; so, in this context we cannot speak of *ēthikē aretē per se*, but specifically of ‘*ēthikē aretē in relation to others*’. In other words, what is separate from ethical excellence without qualification is not separable from it in its guise as universal justice.

With this as given, I propose that the concept of *isotēs* may help us to understand the idea of universal justice as the disposition according to which each ethical excellence is displayed with a view to others; my belief is not only that just actions in the ‘universal’ respect are always performed according to *isotēs*, but also that *isotēs* itself is the cause of their being *just* actions and not merely *virtuous* actions.

As Aristotle suggests at *NE* V, 1129b1-4, where he describes the unjust individual in terms of activity of grasping some good (as we are going to see, of grasping more than one’s share of goods), *isotēs* is specifically connected to the pursuit of the goods to which good and bad fortune relate; such goods, supposedly, might be honours, money or security. From *NE* V, 1130a14 on, *isotēs* will be identified with particular justice; in this respect, *isotēs* is treated as separate from the ethical excellences enjoined by universal justice. On the other hand, *isotēs* is regarded as a part of the whole of the *aretē* prescribed by universal justice<sup>13</sup>, which makes me believe that Aristotle holds it to be an ‘official’ *aretē*, although differing in a way from the others.

The distinction between *isotēs* and the other ethical excellences is stressed at *NE* V, 1130a16-22, where Aristotle says that

«the person who is actualising any of the other forms of badness behaves unjustly but does not grasp after more than his share at all<sup>14</sup>, e.g. someone who has thrown away his

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<sup>13</sup> See Aristotle, *NE* V, 1130a14-16: «μέρος γὰρ αὕτη ἡ ἀδικία τῆς ὅλης ἀδικίας, ὁμοίως δὲ καὶ ἡ δικαιοσύνη τῆς δικαιοσύνης».

<sup>14</sup> πλεονεκτεῖ δ’ οὐδέν.



shield because of cowardice, or resorted to verbal abuse because he is a ‘difficult’ sort of person, or not helped someone out with money because of avariciousness; whereas when someone does grasp after more than his share, often the action does not correspond to any states of this sort, still less to all of them together, and yet it does correspond to *some* form of viciousness (since we censure it) i.e. injustice».

However, given that *isotēs* is taken as a part of the universal justice, it seems that, just like the other ethical excellences included in universal justice, it will be exercised in relation to other people, i.e. the members of a given polis.

That both particular and universal justice are other-regarding is claimed at *NE* V, 1130b1-5:

«the force of both [particular and universal justice] lies in their other-regarding aspect<sup>15</sup>, the difference being that the one has to do with honour, or money, or security (or whatever single term might be available to cover all these things), and because of the pleasure that comes from profit, while the other has to do with all the things that concern the person of excellence»<sup>16</sup>.

We might wonder if such an other-regardingness is the same for the two kinds of justice; in my view, it seems to be so. It is true that, as might be objected, particular justice is handled by Aristotle as a separate matter from universal justice<sup>17</sup>, which may suggest to us that it has nothing to do with the kind of justice which prescribes activity

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<sup>15</sup> ἄμφω γὰρ ἐν τῷ πρὸς ἕτερον ἔχουσι τὴν δύναμιν.

<sup>16</sup> See R. Bambrough, 1965, p. 161: «although justice in the first sense is distinct from justice in the second sense, it is nevertheless fundamentally connected with it [...] justice in the first sense is connected with justice in the second sense by the fact that they both concern our relations with other human beings, and it is this connection that we mark by using the same word for both concepts».

<sup>17</sup> See Aristotle, *NE* V, 1130b5-7.

according to the other ethical excellences; such an objection might be supported by the idea that the motives according to which one acts are different in the case of ethical excellences and of *isotēs*, as the already mentioned passage at *NE* V, 1130a16-22 makes it clear.

Given all this, how can we assume that the ‘other-regarding’ aspect of justice is the same for both universal and particular justice? I believe that we may be helped by the conclusion which has been reached in the last paragraph of this chapter: the ‘other-regarding’ aspect of universal justice refers not only to private relationships between few individuals, but also to the organization of the whole of the political community. That the ‘other-regarding’ aspect of particular justice is of the same nature, i.e. political, emerges from the idea that particular justice is introduced in terms not only of a dispositional trait<sup>18</sup>, but also of conformity to a set of political and economical principles of justice established in each polis. As a proof of this we may see Aristotle’s distinction of particular justice into distributive and rectificatory at *NE* V, 1130b30-1131a1, which displays some concern for the members of a political community:

«Of the justice that is a part, and of what is just in this sense, one sort is the one found in distributions of honour, or money, or the other things to be divided up *among those who are members of the political association* (for in the case of these things it is possible for one person to have either an unequal or an equal share in relation to another<sup>19</sup>); while another is rectificatory, operating in interactions between one person and another».

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<sup>18</sup> As for some examples of particular justice in terms of a disposition of character, see the already mentioned passage at *NE* V, 1130a16-22, where he describes injustice as a form of generic *pleonektein* in opposition to other forms of badness and, by contrast, *isotēs* as a disposition according to which a person pursues the share of goods due to him. See also *NE* V, 1134a1-6.

<sup>19</sup> ἐν τοῦτοις γὰρ ἔστι καὶ ἀνίσον ἔχειν καὶ ἴσον ἕτερον ἑτέρου.

Conceived in this way, distributive and rectificatory justice are not dispositions of character, but settled rules of political organisation which ensure for each citizen a share of goods like honours, money and security, according to some kind of reciprocal proportion. As we can see in this passage at line 1130b33, Aristotle does not talk about *isoi* individuals, but rather of *isa* and *anisa* shares<sup>20</sup>; an *ison* share of goods for each citizen is meant to preserve reciprocal ties between the members of the political community, and in this respect it seems to be part of a structure of justice more than question of a personal desire or inclination. Therefore, *isotēs*-in the context of distributive and rectificatory justice-refers to the organization of the community and not merely to private relationships between individuals; as it seems, its other-regarding aspect will be of the same nature as that of universal justice, i.e. political.

However, to say that the other-regarding aspect of universal justice is of the same nature as the other-regardingness of particular justice does not amount yet to saying that being in relation to other people is the same in both kind of justice, nor would it prove that *isotēs* is the cause of the other-regarding aspect of the other excellences of character. In order to show that Aristotle is speaking of a single kind of relating aspect, I will try to demonstrate that ethical excellence, when pursued with a view to the well-being of other people besides one's own, might be regarded as forms of *isotēs*, which would explain why they share in the same involvement of other people. Then, I will propose a possible reason why, as I believe, the other-regarding aspect of *isotēs* might be the cause of the justice of actions performed according to the other excellences of character; this reason, as I will show at the end of this chapter, lies in the role of other-regardingness in the development of *isotēs*.

In order to show that such excellences are forms of *isotēs*, let us see what *isotēs* is and to what objects it relates. As I have already said, it has to do with activity of

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<sup>20</sup> That is Rowe's translation of «καὶ ἄνισον ἔχειν καὶ ἴσον ἕτερον ἑτέρου» at NE V, 1130b33.

grasping; a person lacking *isotēs*, for example, will tend to commit bad actions either for the sake of profit, e.g. for his desire to grasp an excessive amount of money or honours at the expenses of other people. At *NE* V, 1130a24-32 Aristotle points out that, unlike other unjust actions, which are pursued because of specific vices like self-indulgence or cowardice, the action of making a profit is not referred to any form of badness other than injustice. In that case, it seems that the corresponding kind of justice will not be determined by any of the motives proper to each single excellence of character, e.g. moderation or courage.

Particular justice, as Aristotle says at the already mentioned *NE* V, 1130b30-1131a1, is found in distributions of honour or money, or to the things which members of any political community should share; this aspect of particular justice will be taken up at *NE* V, 1134a1-6, where Aristotle provides a definition of justice which seems to relate more to particular than universal:

«ἡ μὲν δικαιοσύνη ἐστὶ καθ' ἣν ὁ δίκαιος λέγεται πρακτικὸς κατὰ προαίρεσιν τοῦ δικαιοῦ, καὶ διανεμητικὸς καὶ αὐτῷ πρὸς ἄλλον καὶ ἑτέρῳ πρὸς ἕτερον οὐχ οὕτως ὥστε τοῦ μὲν αἰρετοῦ πλεον αὐτῷ ἔλαττον δὲ τῷ πλησίον, τοῦ βλαβεροῦ δ' ἀνάπαλιν, ἀλλὰ τοῦ ἴσου τοῦ κατ' ἀναλογίαν, ὁμοίως δὲ καὶ ἄλλῳ πρὸς ἄλλον»,

i.e.

«justice is the disposition in accordance with which the just person is said to be the sort to do what is just, as a result of decision, and to distribute things to himself in relation to another and between two others not in such a way as to give himself too much of

what is desirable and his neighbour too little, and the reverse with what is harmful, but so as to give what is proportionately equal to both, and similarly where the distribution is between two others».

To be *isos* amounts to one's going for the right share of goods, and to distributing things so as to preserve the share of goods which other people should be allowed to get. Such an activity, inevitably, will turn out to affect other people than oneself.

My view is that, since the excellences of character belonging to universal justice are practised in relation to others, their effect is *similar* to that caused by a fair distribution of goods; a just action performed according to some ethical excellence, as it were, would contribute to preserving a degree of proportion in the relationships between citizens. A vicious action, for example, might represent not only a lack of ethical excellence in the agent, but also some kind of damage for the people who are affected by such action; that is to say that people who suffer an injustice might be treated as people to whom their share of goods in the polis (safety, honours or money) has been subtracted.

I suggest that, if the excellences of character are viewed as parts of universal justice and we consider them in relation to others' well-being, they might be regarded as forms of *isotēs*. It is true that ethical excellences without qualification are kinds of intermediacies between an excess and a deficiency, connected in some cases to the affections of human soul (e.g. anger, fear, appetites), in other cases to the pursuit of external goods like honour and money; but when they are considered as components of universal justice, they end up by assuming a different role. When it comes to other-regarding *ēthikai aretai*, what is at stake is not individual ethical perfection, but a kind of relation to others that displays itself in the preservation of a right proportion of goods between people; in other words, virtuous behaviour in relation to others in universal

justice is linked to the wish, which is typical of an *isos* person, not to subtract from the share of goods assigned to other people.

If we go back to *NE* V, 1129b19-24, for instance, we will see that not leaving one's post, or running away, or throwing down one's weapons are not described as actions aimed at preserving an individual intermediacy between an excess and a deficiency of fear but, rather, as actions which might seriously undermine the safety of a military association. Again, what the self-indulgent person does in relation to others is a form of wishing for more pleasure than appropriate at the expense of others, as in the case of adultery, where the person who suffers adultery gets harmed, or simply in the case of an individual who takes away another person's share of some goods that might produce pleasure, when his or her own share is not considered sufficient to fulfil his or her desires.

In these cases, Aristotle's interest is not focused on failure at achieving one's individual intermediacy in the pursuit of pleasure, but on the infliction of some damage to members of the political community. The same holds of mildness and the corresponding forms of vices; an excessive amount of anger might disturb the ethical order in the community, whereas mild behaviour might be aimed at re-establishing a correct proportion if someone has inflicted damage on someone else by taking away his share of goods. In this respect, as far as the political community is concerned, we do not speak of courage, moderation or mildness, but we rather speak of *justice*, in that virtuous actions are performed with a view to the common interest; that is to say that, within such a frame, an action performed with a view to others is generally named just, and not only "virtuous", e.g. courageous or moderate.

Obviously, just actions in the universal sense are not arithmetically quantifiable; however, that ethical excellences might be taken as forms of *isotēs* when they are practised in relation to other people is clear if we think that a bad action, e.g. an action

due to cowardice or of self indulgence, may provoke losses for the political community, whereas behaviour according to one of the ethical excellences may produce advantages. The idea of gain and loss is proper to particular justice. At *NE* V, 1132a2ff. Aristotle, while discussing the issue of rectificatory justice, explains that, even if injustice has been committed by a person who usually behaves in a decent way, the law pays attention only to the difference provoked by the damage inflicted, with no regard for the quality of either the one who has inflicted or the one who has suffered it. In this respect, the involved persons are treated them as equals. What matters to our case is that, in such a situation, according to Aristotle we might talk, even if, perhaps, not appropriately,

«about the ‘gain’<sup>21</sup> accruing e.g. to the assailant, and the ‘loss’<sup>22</sup> suffered by the victim; but when the effect is measured the one is called a ‘loss’ and the other a ‘gain’. So the equal is intermediate between too much and too little in contrary ways, the gain too much good and too little bad, the loss the other way round; intermediate between which, we say, is the equal, which is what we are saying is just, so that what is just in terms of rectification will be intermediate between loss and gain»<sup>23</sup>.

Loss and gain seem to be regarded as consequences of an interaction between individuals in which someone achieves more and someone else less than he should. It is true that, in the account of particular justice, they are described as the consequences of an unequal distribution of goods or of a bad rectification, which does not fit perfectly the case of universal justice, which involves actions not necessarily concerned with

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<sup>21</sup> τὸ κέρδος.

<sup>22</sup> ἡ ζημία.

<sup>23</sup> Aristotle, *NE* V, 1132a10-19.

such a kind of goods; however, even though universal justice does not consist in actions performed in relation to honour and money, an unjust action according to universal justice ends up with some damage to those who suffer it, and damage can be taken in some respect as a form of loss. This implies that, if a peculiar kind of intermediacy is to be identified in universal justice, that would not be the intermediacy of the other ethical excellence, but the one that constitutes *isotēs*, i.e. intermediacy between too much and too little or, in other words, between loss and gain.

Even though acts of justice in the universal sense are done on the basis of a specific motive of character, the characteristic intermediacy of each ethical excellence ends by being obscured: when it comes to excellences of character in relation to other people in the political community, greater importance is accorded to their capacity to preserve a correct proportion according to which goods and evils are shared among people, as though they were particular kinds of *isotēs*; in this respect, as I think, their being ‘other-regarding’ is of the same kind as that of *isotēs*.

This seems to be the first step towards a demonstration of the way in which *isotēs* contributes to making an act performed according to any of the other ethical excellence a *just* act, i.e. an *allotrion agathon*. Any ethical excellence, in order to be exercised with a view to the well-being of other people than the agent, must be grounded in some kind of concern for the share of goods due to other people and, more in general, for the proportion according to which such goods are distributed. In this sense, I presume, we might speak of particular justice as the condition of possibility of the universal: *isotēs* will be the ground of a virtuous, just action. What enables us to maintain such a reading is that the other-regarding aspect of ethical excellences like moderation and courage is not inherent to such excellences, in that they might be performed just for the sake of the ethical perfection of the agent, and not necessarily in relation to the well-being of other



people. By contrast, when it comes to *isotēs*, it seems that the relationing aspect is inseparable from such a disposition and represents its inner core.

In fact, at *NE* V, 1131a14-20 equality is described as a particular kind of intermediacy, which cannot be established within a single's individual soul, since it comes about from the interaction between people. As Aristotle says:

«since what is equal is intermediate, the just will be a sort of intermediate. But the equal involves at least two terms. So what is just is necessarily both intermediate and equal, and relative, i.e. relating to certain individuals; and in so far as it is intermediate, it will be between certain things (i.e. too large and too small), in so far as it is equal, it will involve two things, and in so far as it is just it will relate to certain individuals. Necessarily, then, the just involves at least four terms: the persons with an interest are two, and the things in which they deal are two».

What is just, as he claims, is 'both intermediate and equal', which means that intermediacy and equality are not separable in particular justice, even though they are two different aspects of such a kind of justice. The intermediacy of particular justice relates to a 'too large' and a 'too small'<sup>24</sup>, and involves at least two things in which people deal, so that it will never be realised without the involvement of inter-personal relationships. In this way, it seems that, differently from the other *aretai*, the other-regarding aspect of *isotēs* is inner to *isotēs* itself; which means that, in order to be *isos*, one must necessarily be *isos to someone*.

How shall we make use of this point with a view to showing that the other-regarding aspect of *isotēs* is what turns ethical excellences into forms of justice? I believe that, just because the other-regarding aspect of *isotēs* is not external to *isotēs*

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<sup>24</sup> See Aristotle, *NE* V, 1131a9-14.

itself, but is deeply involved in the development of such a disposition and in the actualisation of its typical intermediacy, this aspect itself will represent the inner core *isotēs*, especially if we take that that *isotēs* and *pleonexia* are not marked by any specific motive of character<sup>25</sup>. On the other hand, such an aspect is external to ethical excellences *per se*. In that case, given that the other ethical excellences, when performed with a view to the others' well-being, presuppose the same regard for others as that of *isotēs* and may be viewed themselves-although only in a way-as forms of *isotēs*, it might be supposed that such a regard coincides with that at the basis of *isotēs*.

Since Aristotle does not provide any other kind of other-regarding excellence besides *isotēs* and universal justice, we are plausibly entitled to think that the true source of other-regardingness lies in the ethical disposition of whose existence this relational aspect is the first condition, i.e. *isotēs*. In this respect, as I believe, particular justice might be regarded as the condition of the universal.

#### **4.4: Conclusions**

In this chapter I have proposed that particular justice makes an important contribution towards the understanding of the way in which excellences of character are practised in relation to other people in the political community. As we have seen, concern for others is a separate matter from ethical excellence without qualification; ethical excellence might lead to virtuous action without the agent's necessarily having in mind the good of another person. However, the kind of concern that I have called 'other-regardingness' seems to be a constitutive element of universal justice, which enjoins the whole of ethical *aretē*.

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<sup>25</sup> See D.K. O'Connor, 1988; Ph. Foot, 1978, p. 9; B.A.O Williams, 1980; cf. A. MacIntyre, 1988, who at p. 111 speaks of *pleonexia* in terms of "mere acquisitiveness".

The question I proposed in this chapter was the following: where does the ‘other-regardingness’ proper to universal justice stem from, if it does not spring from the excellences of character encompassed by such a justice? I suggested that the source of it lies in a specific aspect of *isotēs* that makes up the core of Aristotle’s account of particular justice. In order to argue for my thesis, I tried at first to demonstrate that the ‘other-regardingness’ of ethical excellences in universal justice has a political character, and is not exclusive to interpersonal relationships of a private kind; similarly with particular justice, which is presented not only as an ethical disposition, but also as a set of principles of organization underlying the well-functioning of the polis. In this respect, the other-regarding aspect of particular justice seems to be the same as that of universal justice.

Then, I attempted to develop further the links between *isotēs* and the *ēthikai aretai* underlying universal justice, and tried to show that the ‘other-regardingness’ of universal justice is exactly the same as that belonging to the particular, by assuming that each excellence of character exhibited with a view to others’ well-being might be regarded as a form of *isotēs*. In other words, the ethical excellences of universal justice might be viewed as a way of getting the share of benefits due to one in the political community, which is also a characteristic of *isotēs*, so that, if my view is plausible, one’s violation of the injunctions of universal law would mean a violation of the proportion that guarantees a reasonable share of goods for each citizen in the polis.

My general view is that the kind of concern for the interests of others characteristic of *isotēs* would cause one to practise excellences of character with regard for other people in the political community. Given that ethical excellences per se do not necessarily entail a relational aspect, such an aspect being an indispensable component of *isotēs*, and provided that they can be taken as kinds of *isotēs* in a political context,

the ‘other-regardingness’ of particular justice might be the element which transforms them into justice.

What I have tried to demonstrate should show that universal and particular justice are not unrelated matters, although they are handled as separate spheres; on the contrary, they seem to be deeply entwined, in that they reveal different perspectives of the same justice, i.e. political justice. In chapters 7 and 8 of this thesis I will complete my account of justice by stressing Aristotle’s account of political justice and its distinction into natural and conventional justice.

## Part III

### Political Friendship: A Path to Authentic Justice

*Quodsi amicitia per se colenda est,  
societas quoque hominum et  
aequalitas et iustitia per se  
expletenda.*

Cicero

## Chapter V:

### **Between Advantage and Ethical Excellence. The Relevance of Friendship in Political Theory**

#### ***5.1: Introduction***

In this chapter I will explore the concept of political friendship as it is elaborated by Aristotle, by trying to stress its relationship with justice and individual excellence of character. The ordinary use of the word ‘friendship’ is generally confined to the characterization of some kind of intimate relationship between a few people, inspired by values like love, trust and reciprocal concern with a friend’s happiness. But when it comes to friendship in a political community, this cannot involve merely a few individuals; on the contrary, it will concern and affect every member of the community. Aristotle is probably the first thinker to provide a systematic theory of friendship: in the *Nicomachean Ethics* he identifies three different kinds of friendship: friendship grounded in pleasure, friendship grounded in utility and, finally-the kind which seems to be the most valuable in his view-friendship grounded in ethical excellence<sup>1</sup>. I propose to answer the following question: under what kind of friendship does the notion of ‘political friendship’ fall?

My view is that, in Aristotle’s thought, political friendship is a kind of advantage-friendship *sui generis*, where the search for utility does not prevent people from displaying ‘other-regarding’ qualities like cooperation, trust and loyalty, that are typical

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<sup>1</sup> See *NE* VIII, 1155b17-21, where Aristotle suggests that friendship has to do with what is lovable (τὸ φιλητόν), and that the lovable may be good, pleasant or useful (cf. *EE* VII, 1236a30-3), and *NE* VII, 1156a6-7, where he continues by saying that there will be three kinds of friendship corresponding to the objects of love.

of friendship according to virtuous individuals<sup>2</sup>. I hope to show that activity according to justice replaces the form of mutual and intimate love that should subsist in a friendship based on ethical virtue, i.e. a kind of love which is not conceivable between citizens who do not know each other personally.

In the first section of this chapter I will try to explain in what sense political friendship may be taken as a proper kind of friendship in the Aristotelian sense, and how it relates to the concept of justice in the polis; then, in the second section I am going to illustrate in what respects it resembles both friendship of utility and friendship grounded in ethical excellence.

## 5.2: Πολιτική φιλία *A Real Form of Friendship*

Aristotle devotes much space to the description of friendship in the *Nicomachean Ethics*, and tries to place the discussion of its various aspects within the framework of human *eudaimonia* and *aretē*<sup>3</sup>; a detailed description of different types of friendship fills Books VIII-IX, a fifth of the whole work<sup>4</sup>. At the very beginning of Book VIII, friendship is described as a kind of excellence, or something related to it, that is necessary for human life:

«it will be appropriate to discuss friendship, since friendship is a kind of excellence, or goes along with excellence<sup>5</sup>, and furthermore is very necessary for living»<sup>6</sup>.

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<sup>2</sup> The same view is held by B. Yack. See B. Yack, 1985, pp. 103-9.

<sup>3</sup> On the relationship between *philia* and *eudaimonia* see J.M. Cooper, 1977a, p. 619; A. Kenny, 1992, pp. 45-55; M. Nussbaum, 1986, pp. 335-50.

<sup>4</sup> See J.M. Cooper, 1977, p. 619.

<sup>5</sup> ἔστι γὰρ ἀρετὴ τις ἢ μετ' ἀρετῆς.

<sup>6</sup> Aristotle, *NE* VIII, 1155a3-5.

When he deals with the issue of friendship, Aristotle seems to do it in relation to happiness, and to the choices made with a view to happiness:

«For no one would choose to live without friends, even if he had all the other good things; for even the wealthy or those who rule over or dominate others are thought to need friends more than anything-since what use would such prosperity be if they were deprived of the possibility of beneficence, which occurs most, and is most to be praised, in relation to friends?»<sup>7</sup>.

But friendship, as Aristotle intends it, is not only to be taken as a private and personal bond between two individuals, but as the ground of political community, as is shown by the beginning of Book VIII of the *Nicomachean Ethics*:

«Friendship also seems to keep cities together, and lawgivers seem to pay more attention to it than to justice<sup>8</sup>. For like-mindedness seems to be similar, in a way, to friendship, and it is this that they aim most at achieving, while they aim most to eliminate faction, faction being enmity; and there is no need for rules of justice between people who are friends, whereas if they are just they still need friendship-and of what is just, the most just is thought to be what belongs to friendship»<sup>9</sup>.

What we can draw from this passage is that political friendship presents some degree of utility, since it is introduced also as a means through which the cohesion of cities can be

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<sup>7</sup> Aristotle, *NE* VIII, 1155a5-9.

<sup>8</sup> ἔοικε δὲ καὶ τὰς πόλεις συνέχειν ἡ φιλία, καὶ οἱ νομοθέται μᾶλλον περὶ αὐτὴν σπουδάζειν ἢ τὴν δικαιοσύνην.

<sup>9</sup> Aristotle, *NE* VIII, 1155a22-8.



brought about. This aspect of utility, if connected to the preliminary definition of friendship as a kind of excellence or something related to it, may suggest that both usefulness and some kind of excellence are involved in the nature of political friendship.

The expression *politikē philia* is rarely mentioned in Aristotle's ethical and political works, and the scarce textual occurrences do not allow us to outline directly a proper description of its prominent features. At the very beginning of Book IX of the *Nicomachean Ethics*, the expression *politikē philia* appears in relation to proportionate equality in friendships based on dissimilarity:

«In all friendships based on dissimilarity, what is proportionate equalizes and preserves the friendship, as has been said, just as *in political friendship too* the return the shoemaker gets for his shoes is measured by their worth, and similarly with the weaver and the rest»<sup>10</sup>.

Another occurrence is *NE IX*, 1167b2-3, where *homonoia*, i.e. like-mindedness, is defined as *politikē philia*:

«πολιτική δὴ φιλία φαίνεται ἡ ὁμόνοια, καθάπερ καὶ λέγεται· περὶ τὰ συμφέροντα γὰρ ἔστι καὶ τὰ εἰς τὸν βίον ἥκοντα»,

i.e.

«it has to do with what is advantageous, and what affects people's lives».

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<sup>10</sup> Aristotle, *NE VIII*, 1163b32-5.

A similar assertion can be read at *EE* VII, 1242a7-10, where it is claimed that *politikē philia* is based mostly on utility:

«Civic friendship has been established mainly in accordance with utility<sup>11</sup>; for men seem to have come together because each is not sufficient for himself, though they would have come together anyhow for the sake of living in company».

As we may see, all these three passages focus on political friendship as the ground of activities concerned with human needs. However, as I have just said in the introduction to this chapter, besides the kind of friendship grounded on utility, two other different forms of friendship are identified by Aristotle: friendship based on ethical excellence and friendship based on pleasure. Since friendship concerns the ‘lovable’<sup>12</sup>, and the lovable can be the good, the pleasant or the useful, a corresponding kind of friendship will subsist for each kind of lovable things. As Aristotle states at *NE* VIII, 1156a6-7,

«Διαφέρει δὲ ταῦτα ἀλλήλων εἶδει· καὶ αἱ φιλήσεις ἄρα καὶ αἱ φιλίαι. Τρία δὴ τὰ τῆς φιλίας εἶδη, ἰσάριθμα τοῖς φιλητοῖς· καθ’ ἕκαστον γὰρ ἔστιν ἀντιφίλησις οὐ λανθάνουσα, οἱ δὲ φιλοῦντες ἀλλήλους βούλονται τὰγαθὰ ἀλλήλοις ταύτῃ ἢ φιλοῦσιν»,

i.e.

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<sup>11</sup> ἡ δὲ πολιτικὴ συνέστηκε μὲν κατὰ τὸ χρήσιμον καὶ μάλιστα.

<sup>12</sup> See footnote 1 of this chapter.

«these things differ in kind; so, then, does the loving, and so do the friendships. There are, then, three kinds of friendship, equal in number to the objects of love; for there corresponds to each of these objects a reciprocal loving of which both parties are aware, and those who love each other wish good things for each other in the way in which they love».

To which of these three kinds of friendship does political friendship belong? I suggest that a stable and good *politikē philia* is a kind of friendship grounded in utility, which, nevertheless, will promote in the community values like love of the other, living together, trust and reciprocal reliability on the citizens' part. In other words, if my idea is reasonable, political friendship-in Aristotle's theory-would consist of a sort of shared-advantage friendship in which people behave according to some degree of ethical excellence.

A first objection that might be raised is that it is quite difficult for us to imagine a civic association composed only of virtuous people and based on mutual well-wishing as though people knew each other and wished them well for their sake. As a matter of fact, a political community includes a wide range of people of different characters, and political ties are doomed to link virtuous citizens with people of inferior worth. It might be wondered if a friendship grounded in some degree of excellence is conceivable even in such a variegated frame. Aristotle believes that friendship between virtuous people is a rare phenomenon insofar as goodness is a prerogative of just a few individuals<sup>13</sup>, which suggests that such a friendship in the political community is impossible to actualise.

On the other hand, in some cases the many and their lack of goodness-as Aristotle conceives it-might not prevent virtuous men from acting according to

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<sup>13</sup> See S. Stern-Gillet, 1995, p. 148.

complete excellence in the affairs of the polis, as long as the less virtuous people abide by the established norms of justice. Respect for the laws in force might exist even if not all the citizens were intrinsically good, for instance if they were afraid of punishment or if they considered that through activity according to justice they would get their personal share of goods. Even in those cases, to some extent, would justice be a means to the preservation of political stability and to the avoidance of conflicts within the community.

A legal system set up by just people (especially people who are 'inherently' just) in order to yield political harmony may create some form of reciprocal respect between citizens, which might be intended to replace the intimate love proper to friendship that cannot be realised in the polis. As far as political friendship is concerned, reciprocal loving is not to be understood as an intimate feeling between people, but rather as some form of legal, virtuous respect: in good political communities, obedience to the laws on the citizens' part will be supported by their intrinsic disposition of character which makes them act justly; in less virtuous cities, instead, people might abide by the established laws simply to escape punishment or, more generally, for the sake of personal advantage, without being authentically virtuous people themselves.

However, even in this case some friendship will subsist among fellow-citizens, insofar as some degree of justice is preserved and people are not damaged by their fellows' behaviour. Justice, then, would provide the necessary political bonds of reciprocity and proportional equality among all the members of a community, both virtuous and less virtuous, so replacing in this way the love and the trust typical of virtuous friends. Since justice, like friendship, seems to hinge on some sort of reciprocity, each individual will act in relation to his fellows' needs and expect a proportionate return from them. People who are not equipped with a suitable level of ethical excellence may act according to it simply by subscribing to the norms of justice

imposed by external prescription, once they have realized that adapting themselves to it will bring about greater advantage to them. This does not necessarily mean that people without noble inclinations will become virtuous and perform noble acts for the sake of the fine just by acting according to law (especially if the law is not devised with a view to the common advantage), but only that, at least, they may contribute to the well-being of the polis without being an obstacle to those who wish to pursue a virtuous kind of life.

Our problem here is to sketch out a plausible account of civic friendship as based on some degree of excellence, and to see what kind of excellence is required and to what extent even individuals who are not properly virtuous from a private point of view may contribute to the well-being of the polis.

In order to define the domain of political friendship, we have to establish first in what respect it satisfies the general conditions of friendship laid down by Aristotle in the *Nicomachean Ethics*. Unlike in the *Rhetoric*, where friendship is defined as any relationship characterized by mutual well-wishing and well-doing out of concern for one another<sup>14</sup>, in the *Nicomachean Ethics* Aristotle does not provide any explicit definition of friendship, but he confines himself to putting forward some basic conditions without which no form of relationship will be regarded as friendship. One of these features is reciprocity of love. When Aristotle explains why there cannot be friendship with inanimate objects, he underlines the absence of reciprocal loving and of *eunoia*:

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<sup>14</sup> See Aristotle, *Rhet.* II, 1380b36-1381a1: «We may describe friendly feeling (τὸ φιλεῖν) towards anyone as wishing for him what you believe to be good things, not for your own sake but for his, and being inclined, so far as you can, to bring these things about».

«ἐπὶ μὲν τῇ τῶν ἀψύχων φιλήσει οὐ λέγεται φιλία· οὐ γὰρ ἐστὶν ἀντιφίλησις, οὐδὲ βούλησις ἐκείνῳ ἀγαθοῦ»,

i.e.

«the word ‘friendship’ does not apply to the loving of inanimate objects; for there is not *reciprocal loving*, nor *wishing for the other’s good*»<sup>15</sup>.

Good will, Aristotle holds, will not be friendship if it is not reciprocated:

«people say friendship demands that one wish a friend good things for his sake. Those who wish good things for someone else like this are said to have good will towards him<sup>16</sup>, if the same is not forthcoming from the other party as well; friendship, people say, is good will *between reciprocating parties*<sup>17</sup>»<sup>18</sup>.

But, in order to become friendship, reciprocal love should be accompanied by awareness on the reciprocating parties’ side, otherwise people would never either realise a life in common or even do anything together<sup>19</sup>. At *NE* VIII, 1155b34-1156a5 Aristotle wonders:

«Or should one add, good will that one is aware of? For many people have good will towards those whom they have not met, but suppose to be decent, or useful; and one of

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<sup>15</sup> Aristotle, *NE* VIII, 1155b27-9.

<sup>16</sup> Τοὺς δὲ βουλομένους οὕτω τὰγαθὰ εὖνους λέγουσιν.

<sup>17</sup> εὖνοϊαν γὰρ ἐν ἀντιπεπονητόσι φιλίαν εἶναι.

<sup>18</sup> Aristotle, *NE* VIII, 1155b31-4.

<sup>19</sup> See J.M. Cooper, 1977, p. 620.

these might in fact be in the same position in relation to *them*. Good will, then, is what these people evidently feel towards each other; but how could one call them friends, if they are not aware of their mutual feelings? If there is to be friendship, the parties must have good will towards each other, i.e. wish good things for each other, and be aware of the other's doing so ...».

Having established these two conditions of friendship, i.e. reciprocity and awareness of the reciprocal loving, let us go to political friendship, and try to find out in what respects it meets these general requirements; only after that will we consider the condition of well-wishing, which is the core of friendship, and try to see in what respect political friendship satisfies such a condition. As far as political friendship is concerned, reciprocity is an essential condition in so far as every citizen is involved in the life of the community, which must be based on interchanges and reciprocal interactions, both in the economical and in the political sphere. Mutual well-wishing needs to exist in every community, although people do not know each other, since each of them plays a particular role, and the impersonal reciprocity of functions relies at any rate on reciprocal good-will (on the part of those who exercise those functions) with a view to supplying mutual deficiencies. Reciprocity, thus, is at the basis of the fulfilment of a chain of needs allowing each citizen some degree of a good life.

Well-wishing must not be hidden, but it has to be shown openly. A first problem might emerge: how may mutual benevolence exist among people who do not even know each other? What allows their display of mutual and aware well-wishing? In my view, a plausible answer might be a constant activity according to justice. As we have already seen in Book V of the *Nicomachean Ethics*, justice is a form of excellence which presupposes a relationship with other individuals. In order to promote the well-being of the community, justice must be reciprocal and involve all the citizens in a

relationship, more or less impersonal, which cannot remain unreturned. Besides this, justice, by reminding the contracting parties of their reciprocal role in the friendship, also promotes awareness of the relationships established, without which individuals could eschew their own contributions and fail to acknowledge the advantages yielded by life in the community.

As for the issue of awareness, lack of it would prevent people from realising a common ground of action and of life; awareness of reciprocal loving seems to be at the basis of particular justice, which can be either distributive or rectificatory. Perhaps more than in distributive justice, the necessity for aware interactions emerges in the rectificatory, in that, as Aristotle explains at *NE* V, 1130b30-1131a9, when he draws a distinction within the sphere of particular justice into distributive and rectificatory, the latter operates in interactions between one person and another. In particular, given that the relationships involved in justice of the rectificatory kind are divided into voluntary, which include activities such as selling, buying and so forth, and counter-voluntary ones, such as theft, adultery etc., voluntary relationships will be those more fitting our context.

As it seems, voluntary interactions, among which commercial transactions are included, might be extended to political ‘exchanges’ in general, which is confirmed by the idea expressed at *NE* V, 1132b31-1133a2 that reciprocal action is the basis of the city’s unity:

«In commercial associations, however, the parties are bound together by a form of the just that is like this, i.e. what is reciprocal in proportional terms, not in terms of numerical equality<sup>20</sup>. *For it is reciprocal action governed by proportion that keeps the*

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<sup>20</sup> τὸ ἀντιπεποιηθὲς κατ’ ἀναλογίαν καὶ μὴ κατ’ ἰσότητα.



city together<sup>21</sup>. Either people seek to return evil for evil, and if they don't, it seems like slavery; or they seek to return good for good, and if they don't, there is no giving in exchange, *and it is exchange that keeps them together*».

At any rate, both distributive and corrective justice must rely on a ground of reciprocity<sup>22</sup>, and the latter form of justice seems to be the basic condition of the well-functioning of the polis, just insofar as it puts people in relation to one another, although not necessarily in personal and intimate terms. So much for reciprocity and awareness of mutual loving; in the next section I will discuss the issue of well-wishing. I am going to treat it as a separate matter in that, as I believe, such an issue is preliminary to the description of the respects in which political friendship resembles both the friendship rooted in utility and the friendship of ethical excellence.

### ***5.3: The Double Nature of Political Friendship***

Just as in the *Rhetoric*, so in the *Nicomachean Ethics* friendship is said to exist only if there is a kind of wishing for the other's good. At *NE* VIII, 1156a3-4, Aristotle says that if there is to be friendship, the parties must have good will towards each other, i.e. wish good things for each other. But this seems to be at odds with what has been established in relation to the three different kinds of friendship. Well-wishing seems to occur in all the three kinds of friendship identified by Aristotle<sup>23</sup>; however, to different

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<sup>21</sup> Τῷ ἀντιποιεῖν γὰρ ἀνάλογον συμμένει ἡ πόλις.

<sup>22</sup> See D. G. Ritchie, 1894, p. 185. Ritchie maintains that the conception of reciprocity is at the basis of those forms of particular justice; he coins the term 'Catallactic justice' with reference to the ground of reciprocity which makes the practice of particular justice possible. On his account of 'Catallactic justice' see p.192 of his article.

<sup>23</sup> See J.M. Cooper, 1977, pp. 624-5.

kinds of friendships will correspond different kinds of well-wishing. For instance, in friendships grounded in utility people will love each other not for their sake, but with a view to their personal advantage, whereas in the case of friendships of the primary kind friends will have concern for their friends' good.

It is surely plausible to assume that the pursuit of personal profit is not completely at odds with some form of well-wishing towards one who is able to provide a friend with some advantage; in light of the benefits to be received, this tendency would not appear so unnatural. In that case, it seems plausible to suggest that, even where personal interest is prevailing, in every kind of friendship the well-being of the other will be wished for to some degree<sup>24</sup>. Likewise, as for political friendship, although organized with a view to the interest of its members, it might be supposed that it does not preclude the exhibition of actions directed to the well-being of the others<sup>25</sup>.

If so, human actions and decisions might be made also with a view to others' benefit even when the agents are engaged in a kind of advantage friendship. In this section I shall argue that, in some respect, the well-wishing of civic friendship resembles the well-wishing of friendship according to utility, whereas, in other respects, some similarities can be found with friendship grounded on goodness.

Given that, as we have already seen, Aristotle mentions the notion of political friendship in relation to some kind of utility, let us see in what respect such a kind of friendship is a friendship of utility. Friendship grounded in utility is described as a relationship which is not caused by the inner characteristics of the friend, but only by the advantage that can be drawn from the friend. As Aristotle states at *NE* VIII,

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<sup>24</sup> See J.M. Cooper, 1977, pp. 625-6. A different position is held by Whiting; see J.E. Whiting, 1991, p. 20. With reference to *NE* IX, 1167a10-18 Whiting claims that, in Aristotle's thought, character-friendship alone is founded on *eunoia*.

<sup>25</sup> See S. Stern-Gillet, 1995, p. 38.

1156a10-16, friends by utility, as well as friends by pleasure, do not love each other because of themselves:

«So those who love each other because of the useful do not love them for themselves, but in so far as some good accrues to each of them from the other<sup>26</sup>. Similarly, too, with those who love each other because of pleasure: people do not feel affection for the witty for their being of a certain character, but for the pleasure they themselves get from them. And indeed those who love because of the useful feel fondness because of what is good for themselves, and those loving because of pleasure because of what is pleasant to themselves; they do not love by reference to the way the person loved *is*, but to his being useful or pleasant».

At *NE* VIII, 1156a16-19 Aristotle underlines the incidental character of such a kind of friendship:

«κατὰ συμβεβηκός τε δὴ αἱ φιλίαι αὐταὶ εἰσιν· οὐ γὰρ ἦ ἐστὶν ὅσπερ ἐστὶν ὁ φιλούμενος, ταύτῃ φιλεῖται, ἀλλ' ἦ πορίζουσιν οἱ μὲν ἀγαθόν τι οἱ δ' ἡδονήν»,

i.e.

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<sup>26</sup> οἱ μὲν οὖν διὰ τὸ χρήσιμον φιλοῦντες ἀλλήλους οὐ καθ' αὐτοὺς φιλοῦσιν, ἀλλ' ἦ γίνεταί τι αὐτοῖς παρ' ἀλλήλων ἀγαθόν.

«And in fact these friendships are friendships incidentally; for the one loved is not loved by reference to the person he is but to the fact that in the one case he provides some good and in the other some pleasure».

If so, in what respect does political friendship resemble friendship according to advantage? At *NE* VIII, 1160a9-11 Aristotle claims that

«συμπορεύονται γὰρ ἐπὶ τινὶ συμφέροντι, καὶ ποριζόμενοί τι τῶν εἰς τὸν βίον»,

i.e.

«people make their way together on the basis that they will get some advantage from it, and so as to provide themselves with some necessity of life»;

in political communities people do not join together because of the inner characteristics of their fellow citizens. Individuals do not know each other, and they are related in a community only insofar as the association is a convenient way to get an advantage.

Still, although advantage seems to be the real and first mover of civic friendships, we should not forget that the aim of expert lawgivers is to promote the highest good, and that the state, as Aristotle makes it clear at *Pol.* I, 1252b28-30, does not seek after the mere life of its members, but rather it aims at a good life<sup>27</sup>. As he says in Book VIII of the *Nicomachean Ethics*, that the individual is not loved for the sake of himself is the reason why friendships based on utility get easily dissolved:

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<sup>27</sup> Cf. Aristotle, *Pol.* III, 1280a31-2; 1280b32-5.

«εὐδιάλυτοι δὴ αἱ τοιαῦταί εἰσι, μὴ διαμενόντων αὐτῶν ὁμοίων· ἐὰν γὰρ μηκέτι ἡδεῖς ἢ χρήσιμοι ᾧσι, παύονται φιλοῦντες»,

i.e.

«Such friendships, then, are easily dissolved, if the parties become different; for if they are no longer pleasant or useful, they cease loving each other»<sup>28</sup>.

But political friendships do not get dissolved so easily. Aristotle shows his realistic concern with the reasons why political constitutions often change and rebellions take place, as he does for example in Book V of the *Politics*; however, the friendship at the basis of a political organization gets dissolved only when the reciprocal relationships among the citizens hinge on a low degree of justice, or when the laws in force fail to attain the common advantage.

It seems, then, that Aristotle's concern for the causes of political change is not a matter of mere historical curiosity, and reveals the need to reflect on the measures to be adopted in order to keep constitutions safe<sup>29</sup>. Differently from ethical excellence, which is a stable disposition of character according to which consistent choices can be made, the useful is not provided with any guarantee of stability, and actions performed for the sake of advantage can be made on the basis of an unsteady inclination:

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<sup>28</sup> Aristotle, *NE* VIII, 1156a19-21.

<sup>29</sup> Cf. Aristotle, *Pol.* V, 1301a20-5.

«And the useful is not something that lasts, but varies with the moment<sup>30</sup>; so, when what made them be friends has been removed, the friendship is dissolved as well, in so far as it existed in relation to what brought it about»<sup>31</sup>.

In friendships of utility, as is established in Book VIII, any change does not depend on character, but on exterior and contingent events which at a certain point may make friends useless to one another, and therefore no longer friends. Usefulness is not an inner feature of a person; rather, it is only something that depends on the needs of another individual or group of people. The utility of someone is only something that someone else finds in that person, not as belonging to it, but only in relation to the needs of the subject that finds that person useful; if the need is fulfilled, the utility of the friend gets dissolved together with friendship.

In this respect, political friendship seems to be at distance from a crude kind of utility friendship; although citizens do not love each other because of their intrinsic excellence, nevertheless they can act on the basis of a stable disposition, i.e. justice, which is even more solid if grounded on friendly feelings among them. If justice is more than obedience to a mere set of rules shared in as an external imposition and is a proper disposition of character, reciprocal trust and cooperation between just citizens will rest on a safer ground. But given that justice is established by virtuous lawgivers, even when justice is not an inner disposition of character possessed by all the citizens, stability will be secured within the polis, provided that they confine themselves to sticking to the laws. Thus, if a polis falls short of justice, either legal or based on inner excellence or both, friendship as well will be dissolved, insofar as the citizens are mostly advantage-seekers and do not love each other for their own sake.

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<sup>30</sup> τὸ δὲ χρήσιμον οὐ διαμένει, ἀλλ' ἄλλοτε ἄλλο γίνεται.

<sup>31</sup> Aristotle, *NE* VIII, 1156a21-4.

But when it comes to political life, the useful is not necessarily something that does not last and varies with the moment. Friendship according to utility has been described so far in Book VIII as a kind of relationship in which the contracting parties seek their own personal advantage; but a civic friendship presupposes the pursuit of individual utility as compatible with the advantage of all the citizens and of the community they live in. As Aristotle states at *NE* VIII, 1156a24-31, when introducing the example of friendship among old people, utility-friendship is not characterized by living together:

«This sort of friendship seems especially to occur among the old (since it is not the pleasant that people of that age pursue, but the beneficial), and in the case of those in their prime, or young, among those who pursue advantage. *This sort don't really even live together with each other*<sup>32</sup>, for sometimes they are not even pleasant people, and so neither do they feel an additional need for that kind of company, unless the people concerned are of some use, since they are pleasant just to the extent that they have hopes of some good accruing to them. (People put guest-friendships<sup>33</sup> too with friendships of this sort)»<sup>34</sup>.

On the one hand, civic friendship resembles this kind of relationship in so far as people do not live together in the community except in a broad sense, and in most cases they do not even know each other, as I have already said; on the other hand, Aristotle sometimes observes that the bonds linking citizens each other are not the same as those linking different cities: so, for example, mere alliances, as e.g. at *Pol.* III, 1280b7-10 (already quoted in Chapter I, p. 21):

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<sup>32</sup> οὐ πάνυ δ' οἱ τοιοῦτοι οὐδὲ συζῶσι μετ' ἀλλήλων.

<sup>33</sup> τὴν ξενικήν.

<sup>34</sup> Cf. Aristotle, *NE* VIII, 1158a7-10.

«δεῖ περὶ ἀρετῆς ἐπιμελὲς εἶναι τῇ γ' ὡς ἀληθῶς ὀνομαζομένη πόλει, μὴ λόγου χάριν· γίνεται γὰρ ἡ κοινωνία συμμαχία, τῶν ἄλλων τόπῳ διαφέρουσα μόνον τῶν ἀποθεν συμμάχων»,

i.e.

«Any polis which is truly so called, and is not merely one in name, must devote itself to the end of encouraging goodness. Otherwise, a political association sinks into a mere alliance, which only differs in space [i.e. in the contiguity of its members] from other forms of alliance where the members live at a distance from one another».

What Aristotle is saying here is that a real state must pay attention to ethical excellence, and this suggests that political friendship is a kind of advantage-friendship *sui generis*. As the passage explains, any state should have concern for ethical excellence. A similar idea is expressed in the following lines of the *Politics*, i.e. at *Pol.* III, 1280b10-12 where Aristotle points out that, without such a concern, law would be simply a covenant, instead of being a rule of life capable of making the members of a polis good and just; which fits well with the idea that there might be various degrees of justice, and, correspondingly, degrees of concern for ethical excellence.

In this respect political friendship resembles the kind of friendship which involves a display of ethical excellence more than it does friendship of mere advantage. With reference to the former kind of friendship, at *NE* VIII, 1156b7-9 Aristotle states:



«However, it is the friendship between good people, those resembling each other in excellence, that is complete<sup>35</sup>; for each alike of these wishes good things for the other in so far as he is good, and he is good in himself».

This form of reciprocal love is not incidental, i.e. it is due to inner characteristics of the reciprocating parties<sup>36</sup>. In fact, at *NE* VIII, 1156b9-11 it is claimed that

«those who wish good things for their friends, for their friends' sake, are friends most of all; for they do so because of the friends themselves, and not incidentally».

Intrinsic goodness prompts love between similar people, in so far as their excellence leads them to establish friendly ties with individuals provided with the same characteristics as their own; nevertheless, this does not exclude that even less virtuous persons may feel love towards eminently virtuous ones, for instance when friendship based on superiority is at stake<sup>37</sup>.

It is true that, unlike in friendship by goodness, in political relationships reciprocal well-wishing is not unconnected with personal advantage. That a person is virtuous does not entail a complete devotion to his friends without thinking of his own good; political justice itself is pursued for the sake of the advantage to be gained, as he repeatedly insists in the *Politics*<sup>38</sup>. As I have already suggested, in political friendship intimate relationships are not practicable, nor do fellow-citizens love each other for their inner features, not least because many of them do not have good dispositional

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<sup>35</sup> Τελεία δ' ἐστὶν ἡ τῶν ἀγαθῶν φιλία καὶ κατ' ἀρετὴν ὁμοίων.

<sup>36</sup> Cf. A.W. Price, 1989, pp. 109-10.

<sup>37</sup> Cf. S. Stern-Gillet, 1995, p. 41.

<sup>38</sup> See Aristotle, *Pol.* III, 1282b16-8; 1283b40-2; 1279a17-21.

traits. But they can be good to some extent, that is, in so far as they are respectful of the established laws, even if their behaviour is not dictated by an intrinsic excellence.

However, if some degree, even a minimal one, of excellence is maintained within the polis, political friendship can be something lasting, just like friendship between good individuals<sup>39</sup>. The kind of love people can feel for each other in a political community hardly fits the idea of intimate love; certainly it is a kind of impersonal love, which we could identify as a form of respect; but reciprocal respect, guaranteed through the excellence of justice, assures mutual reliability and the possibility of living without fear of continuous recriminations.

Reciprocal trust is surely a typical feature of friendship grounded on goodness. At *NE* VIII, 1157a20-4 Aristotle says:

«The friendship of the good is also the only kind that is immune to slanders; for it is not easy to give credence to anyone about a person one has scrutinized oneself over a long period; also trust exists between them, and the thought ‘*he* would never have treated me unjustly’, and all the other features that one expects of a friendship that is truly friendship».

Moreover, at *EE* VII, 1237b10-3 it is said that

«friendship seems something stable<sup>40</sup>, and this alone is stable [...] There is no stable friendship without confidence<sup>41</sup>».

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<sup>39</sup> See Aristotle, *NE* VIII, 1156b10-2.

<sup>40</sup> βέβαιον.

<sup>41</sup> οὐκ ἔστι δ’ ἀνευ πίστεως φιλία βέβαιος.

In order to have a civic friendship grounded in excellence, trust is required. Still, trust in a polis cannot exist regardless of the existence of unjust individuals, in that their search for personal advantage can create conflicts. Justice should be displayed in order to resolve disputes, and laws themselves established in order to prevent irregularities and consequent conflicts; nevertheless, trust should be proportional to the worth of people. Friendship grounded in excellence of character resembles a disposition, as Aristotle says at *NE* VIII, 1157b29-32,

«ἡ γὰρ φίλησις οὐχ ἥττον πρὸς τὰ ἄψυχά ἐστιν, ἀντιφιλοῦσι δὲ μετὰ προαιρέσεως, ἡ δὲ προαίρεσις ἀφ' ἑξέως· καὶ τὰγαθὰ βούλονται τοῖς φιλουμένοις ἐκείνων ἔνεκα, οὐ κατὰ πάθος ἀλλὰ καθ' ἑξιν»,

i.e.

«one can feel love no less towards inanimate than towards animate objects, but reciprocal loving involves decision, and *decisions flow from dispositions*, and when people wish good things for those they love for these others' sake, this is not a matter of affective state but of disposition»<sup>42</sup>,

which suggests that, in such a kind of friendship, actions are not chosen and decisions made on the basis of transitory inclinations, as occurs in the case of friendship grounded in mere utility; if friendship is between virtuous people, it turns out to be a

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<sup>42</sup> Aristotle, *NE* VIII, 1157b29-30.

relationship involving individuals who choose and act according to a steady disposition of character, which makes them love reciprocally in themselves<sup>43</sup>.

As Aristotle claims at *NE* VIII, 1157b19-24, friends resembling each other in excellence want to live together:

«For nothing is so characteristic of friends as living together (for whereas the needy want help, even the blessedly happy want to spend their days with others; for these are the last ones to live in solitude); but it is not possible for people to spend their time with each other if they are not pleasant, and if they do not enjoy the same things, which seems to be characteristic of comradely friendship».

As is entailed later at *NE* VIII, 1158a10-2, such a kind of intimate friendship cannot take place when friendship involves an entire citizen body:

«it is not possible to be a friend to many in the case of the complete kind of friendship, just as it is not possible to feel erotic desire for many people at once».

In political friendships, people's loving each other for their sake seems to be highly unlikely, in that individual advantage is predominantly what is sought after. But when the life of a polis is conducted according to some kind of excellence like justice, personal utility can be combined with common advantage. By acting according to the norms of justice, fellow-citizens will establish between themselves a reciprocal bond of trust and loyalty, just as in the 'virtue-friendship'; moreover, they might be thought of as living together, although their community of life turns out to be impersonal, insofar as they belong to the same community and share in the same network of laws. As I have already suggested, and as I am going to explain further in the next chapter of my

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<sup>43</sup> See A.W. Price, 1989, p. 108.

thesis, someone might obey legal prescriptions without actually realizing the benefit he will get from obedience, maybe more out of fear of punishment than of inner conviction.

Justice as mere lawfulness is different from justice as intrinsic disposition of character. Nevertheless, I think that, in both cases, justice may be regarded as a plausible substitute for excellence, even when it is mere lawfulness, although it is not practised for the other's sake. Behaviour according to laws of justice can promote the well being of each citizen without this being the outcome of a conscious purpose. If love cannot be felt towards unknown people, nevertheless respect can be taken as a form of well-wishing, maybe less personal and more formal, but capable of replacing the reciprocal love typical of virtuous persons.

#### ***5.4: Conclusions***

In this chapter I have tried to sketch a general description of political friendship, and define its boundaries through the analysis of resemblances to and differences from both friendship based on ethical excellence and friendship grounded on utility; what emerges from this investigation of political friendship is a picture whose distinguishing features are reciprocity of virtuous acts and useful benefits. *Politikē philia* appears as a system of bonds established so as to produce both individual advantage and the advantage of the whole of the community. No kind of political organization will work without the employment of some degree of ethical excellence, given that individual advantage pursued without any respect for other people's needs turns out to shake the foundations of the political community: lawfulness, trust and equality of opportunity according to worth.

Political friendship in non-ideal communities involves people of different sorts, among whom there will be many who are not provided with the inner dispositional traits typical of virtuous individuals; still, the adoption of norms of justice seems to supplement the lack of virtuous inner features and to promote mutual advantage according to excellence. We have seen that political friendship is neither a mere advantage-friendship, nor a pure friendship grounded on goodness; in any case, it is plausible to assume that it is a friendship consisting in some reciprocity of roles and functions and involving ethical excellence with a view to the well-being of the community.

Political friendship will never be a friendship exclusively based on authentic goodness, not even in its most ideal condition, since the intimate well-wishing proper to such a friendship cannot take place among many people who do not know each other; moreover, justice may not be practised for the sake of itself in the polis, but for the sake of advantage. However, in any political community advantage will never mean exclusive and personal utility: rather, mutual cooperation which supplies reciprocal needs will require some degree of respect for the interest of one's fellow-citizens.

That Aristotle insists on the characteristics of stability, trust and mutual love typical of friendship of goodness might be taken as a source of inspiration, an orientating ideal worth applying to political life. In the next chapter I am going to develop an aspect of political friendship at which I have only hinted here: the correspondence between friendship and justice. I will try to show that the concept of friendship is employed by Aristotle in relation to political justice, i.e. with a view to showing that a different kind of justice from mere obedience to the established laws is possible.

## Chapter VI:

### **Relationships between Political Friendship and Justice**

#### ***6.1: Introduction***

In the last chapter I have tried to show that Aristotle does not identify the concept of political friendship with forms of agreement based on mere utility, but casts his net wider, by including the exercise of ethical excellence in the running of any community for the sake of its stability. He seems to dedicate special attention to the ethical relevance of friendships in political communities, and to the possibility of attaining forms of justice which are not to be understood as mere obedience to written rules. Still, it might be wondered why Aristotle applies the concept of friendship to the political sphere. My main concern in this chapter will be with trying to answer this question.

On the one hand, political friendship seems to be regarded by Aristotle as a *true* kind of friendship and not to be simply employed as a colourful metaphor, devised to depict more efficaciously those relationships that exist among citizens belonging to a political partnership. Rather, it seems to be authentic friendship, just insofar as shared recognition of the norms of justice in force in the polis and virtuous behaviour in accordance with the established laws will make for those reciprocal relationships among citizens that are set up with a view to the common interest, producing at the same time a form of reciprocal trust and well-wishing which is typical of private friendships grounded in ethical *aretē*. On the other hand, we cannot help but notice the apparently anomalous character of a friendship in which fellow citizens, although living together, cannot cultivate intimate mutual relationships based on authentic concern for each other, i.e. relationships of a kind that the idea of friendship itself would suggest.

I claim that Aristotle's idea of friendship as it is employed in his political theory does not involve any particular interest in actualising in each polis the intimate friendship which can take place only between individuals who spend their lives together and feel reciprocal affection; rather, I claim that his main interest is in looking for a form of justice which, if possessed by each citizen, will be capable of ensuring a lasting stability and inner harmony in the polis. I propose that Aristotle's theory of political friendship emphasizes the need for authentic justice in the community, that is, justice grounded in the ethical excellence of fellow-citizens.

I also suggest that Aristotle's concept of *politikē philia* might be regarded as a concept of a value whose nature mirrors the degree of justice subsisting in any political community<sup>1</sup>. Political friendship in a virtuous polis, i.e. a community whose fellow-citizens are intrinsically just, will reveal a bond of empathy and trust between individuals; by contrast, social bonds resulting from sheer utility-agreements will make a city unstable and liable to conflicts, and the kind of political friendship in force in such a community will be of inferior quality. In that case, to endorse authentic friendship in political communities would amount to fostering a justice of a higher quality than mere 'prudential' obedience to the established laws.

What I will do in this chapter is to show how the relationships between justice and friendship outlined by Aristotle in the *Nicomachean Ethics* may contribute towards the understanding of the role of friendship in Aristotle's political theory. In the first section of this chapter I am going to analyse *NE* VIII, 1155a22-6, in which Aristotle proposes that lawgivers should pay more attention to friendship than to justice, and I hope to show that the superiority of friendship to justice will be conceivable only if we take it as an ethical friendship, superior to a form of justice which is not necessarily

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<sup>1</sup> A different opinion is expressed by Yack in B. Yack, 1993, p. 110: «Political friendship is a fact of ordinary political life rather than a moral ideal, a source of conflict as well as a means of promoting greater cooperation».



grounded in ethical excellence. In the second section I propose to stress some passages of Books VIII and IX in which Aristotle seems to draw a correspondence between forms of justice and kinds of friendship, with a view to showing that a truly ethical justice will produce a corresponding kind of friendship, i.e. the friendship subsisting in the ideal community.

## ***6.2: Friendship or Justice? A Reading of NE VIII, 1155a22-6***

In the *Nicomachean Ethics* justice and friendship are treated as two separate issues; still, at the end of Book VIII they are treated as standing in some sort of relation to one another. The first time that friendship appears in connection with justice is at *NE VIII*, 1155a22-4. Here Aristotle claims:

«Friendship also seems to keep cities together, and lawgivers seem to pay more attention to it than to justice».

This is because, as he explains at *NE VIII*, 1155a24-6,

«ἡ γὰρ ὁμόνοια ὁμοίον τι τῇ φιλίᾳ ἔοικεν εἶναι, ταύτης δὲ μάλιστα ἑφίενται καὶ τὴν στάσιν ἔχθραν οὖσαν μάλιστα ἐξελαύνουσιν»,

i.e.

«like-mindedness seems to be similar, in a way, to friendship, and it is this that they aim most at achieving, while they aim most to eliminate faction, faction being enmity».

At *NE* VIII, 1155a26-8 he continues:

«καὶ φίλων μὲν ὄντων οὐδὲν δεῖ δικαιοσύνης, δίκαιοι δ' ὄντες προσδέονται φιλίας, καὶ τῶν δικαίων τὸ μάλιστα φιλικὸν εἶναι δοκεῖ»,

i.e.

«and there is no need for rules of justice between people who are friends, whereas if they are just they still need friendship».

What does Aristotle mean when he says that lawgivers seem to attach more importance to friendship than to justice?

Since Aristotle identifies three different kinds of friendship, we need to find out which kind he has in mind on this occasion. In this context, the friendship he is referring to might be, in general terms, a bond of mutual affection and sympathy which is typical of friends who love each other; a bond, as we might suppose, which is kept in view by people in power in order to produce *homonoia* among the citizens and, as a consequence of this, a stable well-being in the polis. Probably, what Aristotle is suggesting here is that friendship might be a more powerful source of well-being for the polis than justice by itself, as though justice may be defective in some way by comparison with friendship.

Justice does not necessarily entail affection or true well-wishing for the other, e.g. when justice is simply obedience to an established set of laws and is practised by

citizens without any bond of empathy going beyond mutual interest<sup>2</sup>. Such a reading is confirmed by 1155a26-8, where Aristotle explains that friends do not need rules of justice to behave correctly towards each other, insofar as, as he seems to imply, behaviour according to justice is already involved in the idea of friendship; by contrast, whoever is just to another is not necessarily a friend of his.

It seems clear that by ‘superiority of friendship to justice’ Aristotle does not mean the superiority of friendship based on mere utility agreements, i.e. a friendship which might even be identified with a kind of justice that does not stem from an inner disposition of character. This passage, as I believe, sheds light also on the idea that there might be different kinds of justice, e.g. justice conceived as a dispositional trait, as Aristotle has shown at Book V, or a more ‘formal’ justice, which does not entail any authentic concern for the other, but nevertheless displays itself in some kind of correct behaviour according to law.

As we have seen in the last chapter, a characteristic that friendship shares with justice is its capacity for keeping cities together; such a capacity is peculiar of reciprocal action governed by proportion<sup>3</sup>, but it does not necessarily presuppose the aspect of love characteristic of friendship. Given that the aim of lawgivers is to produce harmony in the political community and avoid conflicts which may be disruptive of it, Aristotle’s statement that they pay more attention to friendship than to justice suggests that justice itself, if not supported by some degree of friendship, is not capable of guaranteeing that kind of stability which is given by *homonoia*; as Aristotle points out at *NE* VIII, 1155a24-6, like-mindedness is thought to be similar to friendship rather than to justice.

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<sup>2</sup> The lack of such a bond in political life is what Aristotle helps us to see according to B. Yack, 1993, p. 199.

<sup>3</sup> See Aristotle, *NE* V, 1132b31-4.

The idea of justice that emerges here is of a kind of mutual relationship among citizens liable to recriminations and, because of this, extremely fragile and dangerous for the stability of the polis. As I suppose, such a justice may be of a legal sort, i.e. impersonal and without that reciprocal intimate well-wishing typical of friends; moreover, such a kind of justice, defective in relation to friendship, would be mere rectitude, not necessarily related to any form of ethical excellence. A truly virtuous justice, by contrast, might cause people to act virtuously with authentic concern for their fellow-citizens, even though they do not know each other.

Justice, when it is conceived as mere rectitude produced by obedience to settled laws, seems to be similar to a kind of conventional friendship established according to sheer utility, a friendship which, according to modern standards, could not properly be called friendship, being rather an agreement established by citizens in order to protect their personal interests without concern for the well-being of other people. Legal justice itself, which, in some respect, might be reckoned as virtuous if the laws which people obey enjoin virtuous actions, is still defective by comparison with friendship if no bond of affection is established among the citizens; a citizen may, for instance, act virtuously only out of fear of punishment and not because he is persuaded of the fineness of the just act.

In my view, Aristotle identifies two kinds of justice: justice lacking friendship, corresponding to mere 'legal justice', and 'friendly' justice, which presupposes a shared excellence of character. In the same way, as Aristotle explicitly states, different forms of political friendship may be identified. The first, i.e. 'virtuous friendship', is a kind of political friendship accompanied to excellence of character; a second form of political friendship, by contrast, is friendship according to mere utility (which might be called 'conventional friendship', i.e. friendship according to agreement). What Aristotle seems to suggest is the idea that such differentiations are related in some way.

As Aristotle tells us, many kinds of friendship may be identified, and, presumably, different forms of justice, as the variety of political constitutions shows us. The first general statement about the relationships between justice and friendship is provided at *NE* VIII, 1159b25-6:

«Εοικε δέ, καθάπερ ἐν ἀρχῇ εἴρηται, περὶ ταῦτ᾽ αἰ ἐν τοῖς αὐτοῖς εἶναι ἢ τε φιλία καὶ τὸ δίκαιον»,

i.e.

«It does seem, as we said at the beginning, that friendship and justice have to do with the same things, and involve the same persons».

What Aristotle is explaining here in general terms is that the actualisation of both friendship and justice takes place in the sphere of human relationships, which suggests that the same persons who are tied together by bonds of justice will be in some way friends and, conversely, people who are friends to each other will have to respect those principles of justice conformity to which is the basic condition for friendship.

That friendship involves justice is confirmed at *EE* VII, 1234b26-7, where the author says that

«τὸ δίκαιον καὶ τὸ ἀδίκον περὶ τοὺς φίλους εἶναι μάλιστα πάντες φαμέν»,

i.e.

«all say that justice and injustice are specially exhibited towards friends»,

and also at *EE* VII, 1234b24-6, where it is claimed that

«οὐ [...] ἐνδέχεσθαι φίλους ἑαυτοῖς εἶναι τοὺς ἀδικουμένους ὑπ’ ἀλλήλων»,

i.e.

«those who are unjustly treated by one another cannot be friends to one another»,

which suggests that justice between people is a necessary condition of friendship, without which friendship would never be established. At *EE* VII, 1234b31-2 Aristotle additionally claims that

«ἢ τὰ αὐτὸν ἄρα ἢ ἐγγύς τι ἢ δικαιοσύνη καὶ ἢ φιλία»,

i.e.

«justice and friendship are either the same or not far different»,

which it might lead us to think that what concerns justice is a matter of interest also for friendship and *vice versa*. In other words, in any political community the demands of friendship would be the same as those of justice and extend as widely as the latter<sup>4</sup>.

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<sup>4</sup> See A. W. Price, 1989, p. 111.

But, as it seems, the correspondence between justice and friendship is not to be regarded just in general terms; at *NE* VIII, 1159b26-31 Aristotle tells the reader that for every kind of justice there seems to be a specific kind of friendship, i.e. that to different kinds of justice there will correspond different kinds of friendship:

«in every kind of sharing community there seems to be a specific kind of justice, and also friendship; at any rate people address as ‘friends’ those sailing with them or on campaign with them, and similarly too with their partners in other kinds of sharing community. And to the extent that they share in it, they are friends; for that is the limit of the justice between them too».

As we see here, the limits of justice and friendship are reciprocally defined in any political community, and their being established in one way rather than another seems to determine their shape; in that case, variations between justice and friendship will occur only as long as they are characteristic of different kinds of community. That there are specific kinds of justice and friendships is also made clear at *EE* VII, 1242a20, where it is said that

«Τὸ δὴ ζητεῖν πῶς δεῖ τῷ φίλῳ ὁμιλεῖν, τὸ ζητεῖν δίκαιόν τι ἐστίν»,

i.e.

«To inquire [...] how to behave to a friend is to look for a particular kind of justice».

Given that, as Aristotle suggests at *NE* VIII 1159b31-2, it is correct to say that ‘what belongs to friends is shared in common’, in that friendship depends upon some

sharing<sup>5</sup>. When it comes to a political community, which kind of sharing might be at issue? An answer to this question is provided at *NE* VIII, 1161b6-8:

«for there seems to be a kind of justice that obtains for any human being in relation to anyone capable of sharing in law and taking part in agreements, and so there can be friendship too, to the extent that the other is a human being».

To share in law and to take part in agreements are activities without which no political association would exist and, for that reason, they are mostly concerned with the advantage of the whole of the community<sup>6</sup>; still, as we have seen, friendship existing in political communities combines the aspect of utility with ethical excellence: the more virtuous citizens are in a polis, the more valuable political friendship will be.

Various levels of obedience to law might be given, and the kind of sharing which gives birth to political friendship will be affected by the corresponding kind of justice. It is true that, even within a bad community, whose established laws do not aim at making the citizens good, familiarity with the same legislative system might create to some extent a kind of relationship between its members, in that just actions according to the established laws will be performed with respect to one's fellow-citizens.

However, we should not forget that-as I have shown in the last chapter with reference to *Pol.* III, 1280b7-10 and 1280b10-13-any form of political association which does not pay any attention to ethical excellence will turn out to be a mere alliance, and its laws will be a mere covenant; in that case political friendship will not be determined simply by people's sharing in law; the law in which they share should

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<sup>5</sup> ἐν κοινωνίᾳ γὰρ ἡ φιλία.

<sup>6</sup> See Aristotle, *NE* VIII, 1160a13; cf. *Pol.*, III, 1282b16-18.



prescribe at least a minimum degree of virtuous activity in order to create bonds of friendship. In the next section I will try to develop further the idea that a correspondence exists between justice and friendship, i.e. the correspondence between a mere legalistic justice and friendship mostly based on utility.

### ***6.3: Correspondences Between Levels of Justice and Friendship***

So far, political friendship has been treated in relation to two different kinds of friendship: friendship based on utility and friendship based on ethical excellence. In this chapter I will show that, in the case of political communities, friendship according to ethical excellence does not intervene in friendships of utility as an external component; what I hope to show is that political friendship is the offspring of justice, and that the correspondence between different kinds of justice and friendship is *causal*.

We have just seen that political friendship is based on observance of laws; but, as Aristotle explains at *NE* VIII, 1162b21-3, there might be written or unwritten laws:

«Now it seems that, just as what is just is twofold, part of it being unwritten and part what accords with written law<sup>7</sup>, so too friendship in terms of the useful falls into a type based on character and a type based on legal requirements<sup>8</sup>».

This passage confirms the correspondence between justice and friendship. We might suppose that there are political friendships based on mere obedience to written laws without involving reciprocal trust and sympathy between the citizens. These seem to be mere conventional friendships that are easily dissolved when problems arise within the

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<sup>7</sup> τὸ μὲν ἀγγραφὸν τὸ δὲ κατὰ νόμον.

<sup>8</sup> ἢ μὲν ἠθικὴ ἢ δὲ νομικὴ.

community; if the bond that keeps citizens together is exclusively the pursuit of what is beneficial for each of them, such a friendship will turn out to be only a legal agreement.

By contrast, a more valuable degree of friendship based on utility will be the one which accords with the just that is unwritten, which probably refers to the disposition according to which one is led to perform virtuous actions even if these are not explicitly prescribed by written laws. In friendships rooted in utility justice is pursued for the sake of advantage rather than because of itself; still, unlike those legal arrangements respected with a view to personal utility, actions that come about from a just disposition might be pursued also with concern for one's fellow-citizens, rather than exclusively for one's own interest. In the latter case, the friendship, although being mostly based on utility, will be conducted according to some degree of ethical excellence, i.e. something which will make it more durable.

At *NE* VIII, 1162b25-36 Aristotle provides the reader with a description of legal and ethical kinds of friendship according to utility. On the one hand, the legal type operates by agreement on fixed terms, e.g. in the case of relationships of commercial kind; on the other hand, the kind of friendship based on character will be based on a higher degree of trust between the contracting parties:

«The legal type is the one that operates on stated terms<sup>9</sup>, the wholly commercial sort from hand to hand, the more cultivated sort over time, but still by agreement, something in exchange for something. With this type what is due is clear and not for dispute, but if it is based on friendship it will allow for postponement; hence the fact that in some places lawsuits to recover such debts are not allowed, the thought being that those who have made an exchange on the basis of trust should be content with that. The type based on character does not operate on stated terms, but presents are given, or whatever else it

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<sup>9</sup> ἔστι δ' ἡ νομικὴ μὲν ἢ ἐπὶ ῥητοῖς.

may be, as to a friend; yet the giver expects to come away with an equal amount, or more<sup>10</sup>, on the basis that it was not a gift he made but a loan, and if when the friendship is being dissolved he is not in the same position as he was when it was formed, accusations will follow».

Although Aristotle refers mainly to agreements of a commercial sort, it is evident how the lack of trust between the contracting parties makes it an 'inferior' form of friendship. The more love and affection exists between friends, the more a friendship will be 'ethical' friendship.

Given the correspondence between justice and friendship in each political community, it seems plausible to suppose that even for political justice, in which utility plays a substantial role, different levels might be identified: a merely legal one, which does not necessarily entail bonds of reciprocal affection and trust among the contracting parts, and a 'superior' kind of friendship, whose superiority stems from its greater stability and trust between friends. It seems, then, that ethical *aretē* is what creates a stable and lasting bond of affection upon which true friendship relies, and *aretē* itself, conceived in its various degrees, will determine, correspondingly, different kinds of political friendship, ranging from a mere conventional kind to a kind in which just laws are observed by citizens in conformity to their authentic disposition of character. The more trust there is among the citizens of any polis, the more the chances of their friendship being solid.

That a kind of correspondence subsists between different kinds of justice and friendship is confirmed by the direct proportionality established at *NE* VIII, 1160a3-7 between friendship and some kinds of injustice committed against one's friends. The unjust, as Aristotle declares,

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<sup>10</sup> κομίζεσθαι δὲ ἀξιοῖ τὸ ἴσον ἢ πλεον, ὥς οὐ δεδοκῶς ἀλλὰ χρήσας.

«increases with the degree of friendship involved<sup>11</sup>: so e.g. it is a more terrible thing to cheat a comrade out of money than a fellow citizen, or to fail to help out a brother than a stranger, and to strike one's father than anyone else at all. And the requirements of justice also increase naturally along with the degree of friendship, both things involving the same persons and having an equal reach».

Presumably, by saying that injustice is even greater if it is done by someone against his friends, Aristotle means that the expectations of justice grow according to the degree of friendship established, so that a violation of the implicit norms of justice in a friendship based on goodness would be regarded as more unjust than unjust behaviour towards people with whom there is a lesser form of sharing. For instance, to do wrong to a member of one's family would be taken as more shameful than an unjust act committed against an unknown person.

That the degree of justice is proportional to the degree of friendship involved is also made clear in *NE* VIII, 1160a28-30:

«πᾶσαι δὴ φαίνονται αἱ κοινωνίαι μόρια τῆς πολιτικῆς εἶναι· ἀκολουθήσουσι δὲ αἱ τοιαῦται φιλίαι ταῖς τοιαύταις κοινωνίαις»,

i.e.

«All the different kinds of community, then, are evidently parts of the political one; and along with community of each sort will go friendship of the same sort».

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<sup>11</sup> ἀύξησιν λαμβάνει τῷ μᾶλλον πρὸς φίλους εἶναι.

Aristotle goes on to depict different kinds of right community, to which there correspond deviant forms. The kinds of right political constitution described are kingship, aristocracy and timocracy, among which kingship is best, timocracy least good<sup>12</sup>; their corresponding deviations are respectively tyranny, oligarchy and democracy.

As we are going to see in the next chapters, what makes the distinction between right and deviant forms of government is whether rulers govern by having in view the utility of the whole of the polis or simply their own advantage<sup>13</sup>. The more rulers act to promote the well-being of the whole of the polis, the more will they promote authentic justice and friendship in the community. In that case, when Aristotle claims that lawgivers seem to pay more attention to friendship than to justice, he seems to be referring to virtuous lawgivers who aim at the actualisation of the advantage of all the citizens and at the endorsement of mutual trust.

Political friendship will be stronger or weaker according to both the kind of justice established by rulers and the conformity of citizens to such a kind of justice. However, we might wonder by what means such friendship is established by lawgivers and the ruled. Aristotle does not state it openly, but it seems clear that the justice established by the rulers and people's abidance by it will bring about some kind of political friendship. Unlike private and intimate friendships between few individuals in which mutual justice seems to stem from the bond of affection established between friends, in friendships of political kind, as I have also suggested in the last chapter, justice will be the main condition of friendship.

As Aristotle claims at *NE* VIII, 1161a10-11:

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<sup>12</sup> Aristotle, *NE* VIII, 1160a35-6.

<sup>13</sup> See Aristotle, *Pol.* III, 1279a17-21.

«Καθ' ἐκάστην δὲ τῶν πολιτειῶν φιλία φαίνεται, ἐφ' ὅσον καὶ τὸ δίκαιον»,

i.e.

«Corresponding to each kind of constitution there is evidently a friendship, to the extent that there is also justice»,

which says that without justice, a corresponding friendship would never come about. The kinds of friendship handled by Aristotle after this passage are forms of superiority-friendship like that of a king for his subjects, which is thought to be of the same kind as a fatherly friendship<sup>14</sup>, or friendships subsisting in an aristocracy, which is similar to friendship of husband for wife<sup>15</sup>, or, again, friendships of brothers, similar to friendships between comrades<sup>16</sup>. The correspondence between justice and friendship is confirmed also in the case of deviations from right forms of government: the less justice there is in a polis, the less friendship there will be:

«As for deviations, just as there is little in the way of justice in them, so there is little friendship, and least in the worst deviation<sup>17</sup>; for in a tyranny there is no, or little, friendship. For where there is nothing in common between ruler and ruled, there is no

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<sup>14</sup> See Aristotle, *NE* VIII, 1161a11-20; cf. *EE* VII, 1241b30.

<sup>15</sup> See Aristotle, *NE* VIII, 1161a20-5; cf. *EE* VII, 1241b30-1.

<sup>16</sup> See Aristotle, *NE* VIII, 1161a25-30; cf. *EE* VII, 1241b31-2.

<sup>17</sup> ἐν δὲ ταῖς παρεκβάσεσιν, ὥσπερ καὶ τὸ δίκαιον ἐπὶ μικρόν ἐστιν, οὕτω καὶ ἡ φιλία, καὶ ἥκιστα ἐν τῇ κειρίστῃ.

friendship either (after all, neither is there justice)-e.g. of craftsman towards tool, or of soul towards body, or of master towards slave»<sup>18</sup>.

Differently from friendship between two people or family friendships, which might come about from their living together<sup>19</sup>, the friendship characteristic of a political community might be the result of the sharing of one kind of justice rather than another. In that case, the particular form of justice inner to a specific political friendship will be the cause of civic friendship itself. If, as is said at *EE* VII, 1234b23-4,

«τῆς πολιτικῆς ἔργον εἶναι δοκεῖ μάλιστα ποιῆσαι φιλίαν»,

i.e.

«it is thought to be the special business of the political art to produce friendship»,

presumably such a task will be fulfilled only through the setting up of an adequate kind of justice, by means of written laws and the promotion of ethical values conformity to which will make the happiness of the polis attainable to some degree.

It is true that there might be other factors capable of producing friendship in the polis, such as belonging to the same community and sharing the same cultural values. But, when it comes to political life, bonds of sympathy and affection seem to spring especially from reciprocally correct behaviour, which can be displayed at different levels: either in terms of sheer respect of conventions, or as behaviour according to law

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<sup>18</sup> Aristotle, *NE* VIII, 1161a30-5.

<sup>19</sup> See for instance Aristotle, *NE* VIII, 1161b17-34, where the source of friendship between parents and children is claimed to be the belongings of children to parents. As for friendship among brothers, which springs from their having grown up together, see *NE* VIII, 1161b34-1162a1.

and an inner ethical excellence at the same time. Higher degrees of friendship will occur wherever people are good men; however, in order to be a good citizen-I suppose-it might be sufficient not to behave unjustly, even without engaging in highly virtuous actions, as *EE* VII, 1234b27-30 confirms:

«the same man seems both good and a friend<sup>20</sup>, and friendship seems a sort of moral habit<sup>21</sup>; and if one wishes to make men not wrong one another, one should make them friends, for genuine friends do not act unjustly».

This shows that the least degree of friendship might be the one corresponding to obedience to rules of justice established in the polis with a view to preventing citizens from harming each other; the highest, on the contrary, will presuppose a wider display of authentic virtuous acts towards fellow-citizens, which are not restricted to a mere prudential form of not-harming-others.

The Aristotelian idea of a friendship consequential on justice in the community seems to take up the idea expressed by Socrates in reply to Thrasymachus in Plato's *Rep.* 351d5-6, according to which injustice is a source of disunity:

«injustice breeds divisions and animosities and broils between man and man, while justice creates unanimity and friendship»<sup>22</sup>,

or the claim in Protagoras' *Great Speech* in the *Protagoras*, where *dikē*, together with *aidōs*, is taken as a bond producing friendship:

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<sup>20</sup> καὶ ἀγαθὸς καὶ φίλος.

<sup>21</sup> ἠθικὴ ἕξις.

<sup>22</sup> Tr. Davies and Vaughan, 1900.



«Zeus, fearing that our race would be wholly wiped out, sent Hermes bringing conscience and justice to mankind, to be the principles of organization of cities and *the bonds of friendship*»<sup>23</sup>.

In that case, the correspondence between justice and friendship would be causal, in so far as it would be only by engaging in ties of justice that the members of a political community could create bonds of friendship corresponding to the kind of justice in force.

We have seen so far that in friendship according to utility, as well as in justice, more than a degree of ethical excellence can be found. Still, this does not explain why Aristotle says that lawgivers pay more attention to friendship than to justice. Undoubtedly, the idea of friendship captures more than the idea of legal justice, represented as mere obedience to a set of established rules. The idea of friendship expresses in a more effective way the view that fellow-citizens are human beings who share laws and ethical values within the political community in which they live; in other words, it emphasizes the ethical dimension of life in a political community.

However, that a corresponding kind of justice may be found for each kind of political friendship suggests that even friendship of utility, like justice, may be 'ethical' instead of consisting merely in a conventional agreement not to transgress boundaries. The definition of justice itself as a disposition of character at the beginning of Book V of the *Nicomachean Ethics* confirms that the ideal of justice Aristotle has in mind is not merely conformity to a set of established rules, but presupposes human initiative and a display of virtuous actions, not only in the private sphere, but also in public affairs. Virtuous behaviour in the political sphere is not the exclusive prerogative of rulers who govern for the common interest, but also of the ruled, who should respect written laws

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<sup>23</sup> Plato, *Prot.* 322c1-5; tr. Taylor, 1991.

and act according to ethical excellence, i.e. according to those values which every law should prescribe.

That more than one kind of justice may be found, according to the degree of ethical *aretē* possessed, and put into practice by both rulers and ruled is not explicitly stated by Aristotle. I think that one of the reasons why he speaks of political friendship rather than merely of justice is because friendship can be taken as a yardstick of the level of justice subsisting in a political community. When Aristotle tells the reader that lawgivers are more interested in promoting friendship than justice in the polis, he does not mean that they are less interested in justice than in friendship, but only that the kind of justice they should promote should be as ethical as possible, i.e. approach the ideal of a friendship grounded in excellence of character.

The idea of such a kind of friendship, which, we have seen, cannot be realised fully in a political community where the 'friends' are far more than a few, still indicates to lawgivers the importance of a justice and a political friendship where citizens behave according to inner excellence of character and not only according to a mere 'prudential' justice as in the case of, e.g., uncritical obedience to law aimed only at escaping punishments. Notwithstanding the impossibility of achieving a fully-fledged ethical friendship in political communities, where not all the citizens are equally good individuals, some characteristics of friendship based on *aretē* might be realised to some extent in the political community. For instance, the stability typical of friendship between virtuous people may be an ideal attainable by political constitutions, given that in Book V of the *Politics* Aristotle shows his interest in the possible ways in which constitutions are preserved and not ruined by inner enmity between fellow-citizens.

Friendships based on mere utility without exercise of ethical excellence, as well as forms of justice that are merely conventional rather than being inner dispositions of

character, are liable to slanders, as Aristotle says at *NE* VIII, 1162b5-6; by contrast, people who are friends because of excellence

«are eager to do each other good (for doing good is characteristic of excellence and of friendship), and between people competing with each other in *this* regard there are no accusations, and no battles; for no one objects to someone's loving and doing him good, but if he is a person of taste, he defends himself by doing good to the other»<sup>24</sup>.

As a consequence of their being virtuous and keen to do good to friends, people of good character will be reckoned by their friends as reliable individuals, and this will prevent them either from accusing each other or from quarrelling.

I have said that civic friendship involves some degree of ethical excellence, whose minimal level amounts to that of justice conceived as sheer rectitude (i.e. conformity to laws). As is suggested at *EE* VII, 1243a32-3, civic friendship looks to the *homologia* and to the *pragma*, whereas ethical friendships are more concerned with *proairesis*. In the latter kind of friendship, as the author states, we may find a greater justice, which is a 'friendly justice'<sup>25</sup>. In comparison to friendship, the idea of justice does not appear as attractive as the idea of friendship might be.

The concept of 'friendly justice', instead, captures a meaning which is central in Aristotle's theory of justice: the ethical dimension of justice itself. Although the word 'friendship' is employed by Aristotle in a wide variety of senses, the idea of friendship as people take it, i.e. friendship as a mutual bond of affection, virtuous attitude and trust, involves something more than mere justice conceived as a mere system of rules to observe. It rather entails that there can be some relationships of justice which turn out

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<sup>24</sup> Aristotle, *NE* VIII, 1162b6-11.

<sup>25</sup> δικαιοσύνη φιλική.

to be ethical agreements and not simply conventional. If so, we might suppose that intimate friendship between individuals is not what Aristotle is really concerned with in the political community; his interest is rather related to the necessity to find a form of justice capable of avoiding disruptive forms of enmity among fellow-citizens.

What is interesting about friendship in a political context is its capacity to promote stability which justice in the form of conventional agreements would be unable to attain; trust is a requirement of ethical justice which cannot spring from mere conventions, but only by virtuous behaviour and mutual affection. We might wonder how trust can be produced within a political community where not all the citizens are intimately virtuous and just. A possible way might be to educate citizens to the ethical excellences embraced by universal justice, i.e. excellences that the law enjoins; all these values seem to foster the sense of collectivity and of correctness towards fellow-citizens which supplies the affection felt by intimate friends. In this way, friendship turns out to be a paradigm in relation to which different degrees of justice can be detected, and, at the same time, a paradigm for lawgivers who are not willing to confine themselves to promoting mere conventional justice.

#### ***6.4: Conclusions***

What I have tried to argue for in this chapter is that the concept of friendship as it is employed by Aristotle in his political theory does not involve an interest in actualising in each polis the intimate friendship which can take place only between individuals who spend their lives together and feel reciprocal affection. Rather, it seems to me that his main interest is in looking for a form of justice which is capable of ensuring a lasting stability and inner harmony in the polis. Although in Aristotle's thought the concept of friendship is not restricted to mere friendship based on goodness and involves also

forms of agreement based on mere utility, still he seems to devote special attention to the ethical relevance of friendships in political communities, and to the possibility of attaining forms of justice which are not to be understood as sheer obedience to written rules. Ethical values can make justice a 'friendly justice', a form of justice superior to mere avoidance of injustice.

This is, in my view, the sense of *NE* VIII, 1155a23-6, where he claims that lawgivers pay more attention to friendship than to justice. I believe that Aristotle is not giving priority to friendship rather than to justice, also because, as we have seen, he is anxious to stress a correspondence between different degrees of friendship and justice. Rather, he means that lawgivers pay more attention to the actualisation of a form of justice which spreads ethical values and fosters friendship among citizens than to a set of conventional agreements respected only for fear of punishment and liable to recriminations which might seriously compromise their stability.

Friendship seems also to be the visible signal of the degree of justice in force in a political community; if so, we might draw the conclusion that, just as Aristotle engages in a discussion about different kinds and levels of justice, in the same way different kinds and degrees of friendship can be found. Although all of them can be included in the idea of justice, some kinds will be higher than others, such as those forms of justice in which common utility is achieved by means of correct relationships not only between rulers and ruled, but also between fellow-citizens themselves. The goals pursued by some correct constitutions (i.e., as we are going to see in the next chapters, monarchy and aristocracy; polity, although being included among the correct constitutions, is not run according to ethical excellence) involve a constant exercise of *ēthikē aretē*, the same excellence that is characteristic of friendships of excellence.

Justice, we have already said, increases with the degree of friendship involved, and to different kinds of justice a corresponding friendship will subsist. I suggested that

what makes justice correspond to friendship is the degree of excellence of character employed in partnerships, and, even more, that justice is the cause of the corresponding kind of friendship. Since civic friendship cannot stem from intimate living together, but only from sharing the same system of laws and ethical values promoted by rulers, it seems reasonable to suppose that friendship will be the outcome of the setting up of a particular system of justice, and therefore specific kinds of justice will bring about friendships of the same kind. Thus, what Aristotle is doing here is striving to build a model of justice inspired by ethical excellence and not by conventionality; this is why friendship is so relevant in his ethical and political thought.

## Part IV

### **Nature and Convention. Political Constitutions as Instantiations of Natural Justice**

Κατὰ μὲν <τὸ> κοινὸν πᾶσι τὸ  
δίκαιον τὸ αὐτό, συμφέρον γάρ  
τι ἦν ἐν τῇ πρὸς ἀλλήλους  
κοινωνίᾳ· κατὰ δὲ τὸ ἴδιον  
χώρας καὶ ὅσων δὴ ποτε  
αἰτιῶν οὐ πᾶσι συνέπεται  
τὸ αὐτὸ δίκαιον εἶναι.

*Taken generally, justice is the same  
for all, to wit, something found  
expedient in mutual intercourse; but  
in its application to particular cases  
of locality or conditions of whatever  
kind, it varies under different  
circumstances.*

Epicurus (in Diogenes Laertius)

## Chapter VII:

# A Justice in the Making. Nature and Convention in Political Justice

### 7.1: Introduction

Upon the relationship between natural and conventional justice and law a lot of ink has been shed. Such a controversial issue inspired the works of poets, play-writers and philosophers, who often stressed a stark opposition between the concepts of *nomos* and *physis*<sup>1</sup>, in terms either of conventional laws contrary to human instincts and ambitions<sup>2</sup>, or of a conflict between written and unwritten laws<sup>3</sup>, the first being the product of human agreement, the second independent of human decisions. That so many representatives of ancient Greek culture pronounced upon the relationship between nature and convention confirms the relevance of such an issue in the Greek cultural tradition.

Aristotle comes to terms with the long and rich tradition of thought moulded with the concepts of *nomos* and *physis*, and in the *Nicomachean Ethics* he reshapes it. We may find it staggering that his treatment of such an important issue covers barely one

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<sup>1</sup> On the controversy between *nomos* and *physis*, see W.K.C. Guthrie, 1971, pp. 55ff.

<sup>2</sup> See for example the Platonic Glaucon, and his story of Gyges' ring in Plato, *Rep.* 359c-360b, which shows that what is commonly called 'justice' is only a convention established by people whose weakness would allow them to suffer injustice, whereas, by contrast, human beings are led by nature to fulfil their desires, even at the expense of other people. This ring enabled its possessor, a simple shepherd, to make himself invisible and seize power by killing the king Candaules. On Glaucon, see F. Decleva Caizzi, 1999, p. 314. Another notable representative of the antithesis between *nomos* and *physis* is the sophist Antiphon; cf. G.B. Kerferd, 1981, p. 116.

<sup>3</sup> See e.g. Antigone's story in Sophocles, *Ant.*, 450-2, which displays the incompatibility of written and unwritten laws. Cf. M. Hamburger, 1951, p. 59. For a full list of examples of *nomos* and *physis* described in terms of written and unwritten laws, see F. Wormuth, 1978, pp. 19-20. Among the examples put forward by Wormuth we find Sophocles' *Oedipus the King* and *Antigone*, the speech *Against Andocides*, Xenophon's *Memorabilia* and the *Rhetorica ad Alexandrum*.



page of the *Nicomachean Ethics*, precisely *NE* V, 1134b18-1135a5. Aristotle dedicates just a few lines to the issue of natural justice in the *Nicomachean Ethics*, which might apparently suggest that it occupies a marginal role in his ethical philosophy; nevertheless, that natural justice is described as a part of political justice seems to be indicative of its importance to his ethical and political thought.

In the *Nicomachean Ethics* Aristotle brings natural justice into the political realm, which represents a deep innovation and determines a radical re-signification of the concept of natural justice. In the first section of this chapter I will try to examine the relationships between natural and conventional justice. When Aristotle illustrates the distinction between natural and conventional justice, he seems to offer a detailed description of conventional justice, whereas the description of natural justice is left indeterminate. I propose to reconstruct Aristotle's view of natural justice by resorting to its distinction from the conventional, and I will attempt to demonstrate that some aspect of conventionality is, paradoxically perhaps, involved in the concept of natural justice itself.

My view is that Aristotle conceives natural justice as an attainable ideal, not detached from conventional norms, but destined to be instantiated more or less perfectly in existing political communities in so far as these try more or less correctly to actualise it. That natural justice is *human* justice makes it a justice liable to changes and to new formulations. In this respect, as I believe, we may speak of political justice as a justice "in the making"; a justice which, as I will try to show both in this chapter and in the next one, intervenes in existing political communities by assuming a conventional form. In the two chapters that follow I hope to provide some suggestions as to how nature and convention contribute to the actualisation of the common good pursued by political justice.

## 7. 2: *How Natural is Natural Justice? Ideal and Conventional in τὸ*

### *φυσικὸν δίκαιον*

We have seen so far that conformity to principles and norms of conduct plays a decisive role in the life of human beings. When it comes to life in the political community, their actions and attitudes are inspired by norms of behaviour and general ethical values, obedience to which enables them to preserve both their status as citizens in a political partnership and the correctness of their mutual relationships in the community. The norms involved seem to be of different kinds: some consist of a set of rules established differently in accordance with the specific conditions of each polis; others rely on human nature as such and possess general validity everywhere. Notwithstanding their diversity in kind, it seems that, within the political frame, such principles contribute towards a shared goal, i.e. the common well-being of the political community.

In the *Nicomachean Ethics* Aristotle tries to correct the commonly held view according to which *nomos* and *physis* are two opposite spheres. His awareness of the divorce between *nomos* and *physis* becomes apparent at *Soph. El.* 173a7-12, where, while speaking of the generation of paradoxes, he claims that:

«The widest range of commonplace argument for leading men into paradoxical statement is that which depends on the standards of nature and of convention: it is thus that both Callicles is portrayed as arguing in the *Gorgias*, and that all the men of old supposed the result to come about; for nature (they said) and convention *are opposites*, and justice is a fine thing by a conventional standard, but not by that of nature».

In the the *Nicomachean Ethics* the distinction between *nomos* and *physis* is set up in terms of natural and conventional justice. In Book V, after the descriptions of universal and particular justice, Aristotle engages in a brief discussion of the issue of political justice, which turns out to be the frame within which his well-known distinction between natural and conventional justice is drawn. But such a distinction, in Aristotle's thought, cannot be one of opposition, since both natural and conventional justice are claimed to be part of political justice, and seem to contribute towards a common aim, which is the realisation of the common good for the polis.

At *NE* V, 1134b18-25 political justice is divided into the natural and the legal:

«What is politically just divides into the natural<sup>4</sup> and the legal<sup>5</sup>: the natural being what has the same force everywhere<sup>6</sup>, and does not depend on a decision whether to accept it or not<sup>7</sup>, the legal what in the beginning makes no difference whether enacted or not, but when enacted *does* make a difference, e.g. that the ransom for a prisoner of war be set at a particular amount, or that the sacrifice should be of a goat, not two sheep, or again the laws laid down to meet particular cases, e.g. that sacrifice be made to Brasidas, and enactments in the form of decrees».

Natural justice so depicted appears as a kind of unwritten justice which, although not formally enacted in a kind of law, indicates the right behaviour to adopt, and creates a shared consensus without formal agreement among people just insofar as they are members of the human race. On the other hand, conventional justice is concerned with

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<sup>4</sup> τὸ φυσικόν.

<sup>5</sup> τὸ νομικόν.

<sup>6</sup> φυσικὸν μὲν τὸ πανταχοῦ τὴν αὐτὴν ἔχον δύναμιν.

<sup>7</sup> καὶ οὐ τῷ δοκεῖν ἢ μή.

issues that can be settled in different ways according to human wishes without its mattering whether they are settled in one way or another.

Such a stark distinction leaves many problems unsolved. The first is that only non-ethical examples are given of the concept of convention, i.e. examples of agreements which may be established in any way whatever without compromising a way of life. The second is that, although Aristotle stresses the importance of natural justice in the political sphere by including it as a part of political justice, he does not provide us with any further indication as to how natural justice plays its role in concrete political life, i.e. in existing political communities. In this chapter I shall attempt to provide a solution to these questions. The idea of natural justice I will try to elaborate in this chapter is not of an ideal detached from political reality, but of a justice which is put into conventional form and can be identified only in the shape of enactments established by human beings. It is my intention to show that natural justice in its actualised form presupposes an aspect of conventionality, and I hope to establish to what extent such a conventional aspect intervenes in the establishment of natural justice in the polis.

The distinction between natural and conventional justice drawn in the *Ethics* recalls the one drawn in *Rhet.* I, 1368b7-9 between *nomos koinos* and *nomos idios*<sup>8</sup>:

«Law is either special<sup>9</sup> or general<sup>10</sup>. By special law I mean that written law which regulates the life of a particular community; by general law, all those unwritten principles which are supposed to be acknowledged everywhere<sup>11</sup>».

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<sup>8</sup> On the distinction drawn in the *Rhetoric* between *nomos idios* and *nomos koinos*, see M. Hamburger, 1951, pp. 64-5.

<sup>9</sup> κοινός.

<sup>10</sup> ἴδιος.

<sup>11</sup> κοινὸν δὲ ὅσα ἀγραφα παρὰ πᾶσιν ὁμολογεῖσθαι δοκεῖ.

Although in the *Ethics* passage the distinction is established in terms of justice rather than of laws, it seems to present many analogies with this passage of the *Rhetoric*. First, natural justice and law are described as having a universal character. The *Rhetoric* describes natural law as ‘acknowledged everywhere’ i.e. independent of specific constitutions and because of this different from conventional laws. This suggests that principles of natural law are something over and above agreements established in specific communities. In the same way, universal justice, which in the *Nicomachean Ethics* is claimed to have the same *dunamis* everywhere, is something universally accepted independently of specific political conventions.

Just as natural law is distinguished from written laws according to which states are administered, natural justice is distinguished from particular conventions, inasmuch as it is a common trait of every community, to a greater or lesser degree, independently of its specific inner condition; the fundamentals of justice are accessible to man as man, and not to man as a member of a particular polis. Furthermore, as Aristotle tells us in the already mentioned *NE* V, 1134b19-20, it does not depend on a decision to accept it or not. In other words, it is not a matter of human judgment and preferences; it seems that its dictates have already been established in some way, and bring about an order of justice which does not rely on human acceptance, and which subsists notwithstanding the variety of kinds of justice in force in different political communities.

By contrast, a legal enactment depends only on human agreement and does not exist independently, given that only after being approved and enacted can it be regarded as just. In this kind of justice, the element of human acceptance seems to be essential. Such a justice makes a difference only when enacted, which means that what gives it legitimacy is not something over and above human acceptance, but only its being settled in the form of a legal convention after an agreement has been made. At the already quoted *NE* V, 1134b18-25, where he draws the distinction between natural and

conventional justice, Aristotle mentions as examples of conventional justice the quantity of the ransom for a prisoner of war, or the way in which a sacrifice should be made, or enactments laid down in the form of decrees to meet contingent needs of the polis.

What is worth noting here is that such conventions do not seem to concern important principles of justice, since they may apparently be established in a way or another without affecting the overall running of the polis. Similar examples of conventions of this kind reported by Aristotle in this argument are concerned with the adoption of units of measure. For instance, at *NE* V, 1134b35-1135a3 he says:

«Those just arrangements based on agreement and what is advantageous are like units of measure<sup>12</sup>: measures of wine and corn are not everywhere of equal size, but larger where people buy, smaller where they sell».

This last example shows that such enactments are not completely arbitrary, in so far as they meet particular needs and must be established in the most advantageous way; still, in any case, they are not principles that would put the order of the polis at risk if established otherwise.

Conventional justice may be realised by human agreement in different manners, and its validity will be confined to the particular political community in which it has been established. Conventional law is a human product inasmuch as it depends on human decisions; before being established, no one would act according to such prescriptions, just because they are not inherent in human nature and there is no intrinsic merit in acting accordingly<sup>13</sup>; conventional *nomos* does not inhere in human

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<sup>12</sup> Τὰ [...] κατὰ συνθήκην καὶ τὸ συμφέρον τῶν δικαίων ὁμοιά ἐστι τοῖς μέτροις.

<sup>13</sup> See B. Yack, 1993, p. 143.

nature as a universal principle, valid for every political context, but it depends on the organization of specific communities. It is worth noticing that the kind of convention Aristotle is referring to is far narrower than the whole range of conventions which includes ethically relevant conventions.

The norms he mentions have to do exclusively with morally indifferent actions; these are not ethically assessable, and might be established otherwise without compromising the inner order of the polis. But if a law prescribed a distribution of wealth producing inequality among the citizens and generated rebellion, or if a punishment were not adequate to the crime committed, the stability of the polis would surely be undermined.

So far, Aristotle has stressed a stark distinction between natural and conventional justice, without making any hint of a conventional justice concerned with ethical cases. But convention is involved in these sorts of cases too. Presumably, this second kind of convention belongs to natural justice<sup>14</sup>. But, in order to admit that, we shall have to suppose that natural justice somehow includes an element of the conventional. A first step towards solving this difficulty is to establish what Aristotle means by 'natural justice'. At first, it might be said that nature and convention do not seem to be competing standards of justice, in so far as they are both regarded as parts of political justice. Nevertheless, nature is kept distinct from convention. It seems that they play different roles in the actualisation of justice in any political community: the role of conventional law might be to establish agreement among citizens of a political community about non-ethical measures, i.e. legal enactments which are not a matter of ethical judgment, whereas natural justice, on the other hand, involves man as a political animal in general and not as a member of a particular polis.

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<sup>14</sup> See B. Yack, 1993, p. 143.

The role that would be played in the political community by conventional justice, described in this limited way, is clear. More difficult to understand is the role of natural justice, which we know only to be part of political justice. But Aristotle does not add any further information about the contribution made by natural justice to the life of the polis. That it is part of political justice, which aims at the actualisation of the good of the polis, suggests that it has an active role in the promotion of such good. The supposed diversity of contributions made by the two kinds of justice, alongside the description of conventional justice as a justice which deals with ethically indifferent issues, might mean that the contribution made by natural justice towards the organisation of the polis is more significant than that made by particular decrees which would never be held to be just without being enacted.

Aristotle seems to suggest that the conventional decrees he describes *come to be part of justice* only after, or by, being enacted, but he does not say anything about constitutive principles of justice. Natural principles themselves may constitute the basic structure of justice in any polis whatever, and compose the skeleton of justice as universally valid everywhere, as is claimed at *NE* V, 1134b19. Still, Aristotle does not provide any example of such a universal justice, as he does for conventional justice, and leaves it indeterminate. He describes it only in general terms, by stressing its universal *dunamis*, but without making any suggestion about what such principles might be. A clue might be given by its belonging to political justice. These are not principles restricted to a private, intimate sphere, but, on the contrary, they play an active role in political life, given that they are supposed to orientate the behaviour of the citizens towards the good of the polis.

A first requirement is that they must be the same for every kind of community, given that natural justice has been claimed to have the same force everywhere. Since, as



is suggested in the first book of the *Politics*, justice is an element of the state<sup>15</sup> and its task is to contribute to the good life of its members, a natural principle of general justice might prescribe any behaviour conducive to goodness and common utility. An example of a principle of natural justice might be the prescription of kinds of behaviour which contribute to the promotion of the individual and collective interest as an ingredient of the good life for a political community, as is suggested at *Pol.* III, 1278b20-2, where men are depicted as political animals, who, on the one hand, wish to live together even when they do not need reciprocal help, but, on the other hand, form political partnerships with a view to their share of advantage.

Such an interest is the goal of right constitutions<sup>16</sup>, i.e. those governed according to respect for the citizens and not only a restricted part of the polis. And since justice, conceived as common good consists in some sort of equality, as is asserted at *Pol.* III, 1282b14-8, natural justice will attempt to preserve it by establishing a right proportion in human transactions. The fact itself that Aristotle presents as one-sided the belief held by the majority of people according to which justice is an *allogtrion agathon*<sup>17</sup> shows that it is a good whose actualisation involves reciprocal relations, and the common good it aims at must be realised through commutative justice and behaviour according to *ethikē aretē*<sup>18</sup>.

Further indications as to what a principle of natural justice might be may be found in Book V of the *Nicomachean Ethics*, in the passages that precede the argument

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<sup>15</sup> See Aristotle, *Pol.*, I, 1253a37-9: «Justice belongs to the polis (ἡ δὲ δικαιοσύνη πολιτικόν); for justice, which is the determination of what is just, is an ordering of the political association».

<sup>16</sup> See Aristotle, *Pol.* III, 1279a18-22, where right constitutions are defined in the light of their aiming at the common good. See also III, 1279a26-30.

<sup>17</sup> See Aristotle, *NE* V, 1130a3 and *NE* V, 1134b5.

<sup>18</sup> Cf. L. Strauss, 1953, p. 160: «The common good consists normally in what is required by distributive and commutative justice or by other moral principles of this kind or in what is compatible with these requirements». Strauss adds: «But the common good also comprises, of course, the mere existence, the mere survival, the mere independence, of the political community in question».

of natural and conventional law. A common good is realised in different ways according to how sources like honours and money are distributed and injustice corrected. Aristotle's account of particular justice and its distinction into distributive and rectificatory justice are revealing. A principle of natural justice might enjoin fair distributions of honours or wealth, whose 'fairness' consists in respect of some sort of proportion between the citizens of a polis; conceived in general terms, rules of distributive justice are left indeterminate. Aristotle explains that distributions in general should be made according to some kind of *axia*<sup>19</sup>, given that

«everybody agrees that what is just in distributions must accord with some kind of merit»<sup>20</sup>.

But at *NE* V, 1131a26-9 he points out that

«everybody is not talking about the same kind of merit: for democrats merit lies in being born a free person, for oligarchs in wealth or, for some of them, in noble descent, for aristocrats in excellence».

This suggests that there might be different criteria according to which distributions are made; still, the general idea is that, if distributions and corrections are not made according to *axia*, the political order is at risk. In the same way, rectificatory norms might be included among those rules established so as to secure stability in the polis and prevent disorders; although different rectificatory enactments are in force respectively in different communities (for instance, punishments for various crimes can

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<sup>19</sup> Aristotle speaks of distribution 'κατ' ἀξίαν' at *NE* 1131a24-5.

<sup>20</sup> Aristotle, *NE* V, 1131a25-6.

be established in different forms), a principle that is universally valid is the one according to which injustices are to be punished according to the kind of injustice perpetrated.

Another example of a principle of natural justice might be concerned with preservation of proportion in economical exchanges; by ‘economy’, here, I do not refer to (what Aristotle would regard as) extreme forms of trade aimed at accumulating money<sup>21</sup>, but only to a network of human transactions which provide for both survival and the well being of any polis. Economical exchanges so conceived constitute one of the bonds that maintains the political association, so that people living in the same polis will have laws to prevent them wronging each other in the exchange of products. The concept itself of *antipeponthos*, which is reciprocity based on proportional equality, alongside Aristotle’s insistence on preservation of correctness in reciprocal interactions suggests that not hurting each other might be a principle valid in any polis. So, natural justice might be conceived also in terms of avoidance of harmful actions, as a means to preserve not only individual but also common utility.

It is evident here that natural justice consists of indeterminate rules of social expediency, valid in any polis<sup>22</sup>. If the examples I have put forward so far can be accepted as principles of natural justice, we might conclude that the concept of natural justice leaves utterly undetermined the meaning of concepts like “hurting”, “common good”, or “fair distribution”; it is only through specification that these terms become truly meaningful. With regard to the indeterminacy of natural justice, Yack says:

«What then is “natural” about Aristotelian natural right if not the existence of intrinsically just states of affairs defined by the nature of things? Natural right is natural

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<sup>21</sup> See S. Meickle, 1995, pp. 68-75.

<sup>22</sup> See R. Bodéüs, 2004, p. 137.

in the same way that the political community is natural. Nature neither provides us with determinate standards of political justice nor disposes us to act justly. But it does dispose us to form political communities and to hold each other accountable to the kind of standards of obligation that Aristotle associates with judgments of natural right»<sup>23</sup>.

The characteristic indeterminacy of natural justice is confirmed by the wide array of constitutions of which Aristotle is aware; its principles, it might be suggested, can be laid down in a variety of ways. But, if so, we should assume that, just like conventional rules, even natural principles can be otherwise. In the next section I will try to show that conventionality is a pre-existing condition for natural principles to be put into effect in any possible political community.

### ***7. 3: Conventionality in Natural Justice.***

In the introduction to this chapter, I roughly sketched the idea that, besides those conventional laws mentioned by Aristotle while illustrating the distinction between natural and conventional justice, there is also some kind of convention concerning more important, ethically-relevant principles which may compromise the social order of the polis if established in a different way. The description of conventional justice provided by Aristotle seems to be too restrictive, and does not account for every kind of convention. There are rules which, for instance, might be settled differently according to the specific conditions and needs of each polis; rules which might be fitting for a particular polis but not for another.

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<sup>23</sup> B. Yack, 1993, p. 147.

Such a kind of convention is not the one that Aristotle was talking about when he referred to conventional justice, in that he confined himself to displaying cases of conventions which might be irrelevant if established in one way or another. This means that, although ethically relevant principles may be realized in more than one way, still the array of possible ways will not be as wide as the range of possibilities allowed by enactments which are not ethically relevant. Such principles are more significant than any particular decree such as the setting of units of measure. Since these principles are a matter of interest in any polis, we might suppose that they will be included in universal justice. But although universal principles of justice have universal validity, they will be put into effect in different ways according to the specific situation of each polis. In this respect, conventionality intervenes in the concept of natural justice. Before being put into conventional form, natural principles of justice are not actualised in the political community, and their meaning is left indeterminate; but once they are put into effect, they will turn out to assume different forms according to the kind of convention within which they are actualised.

In other words, such principles will be realised by every community in different ways according to different conceptions of common interest. On the one hand, they have the same *dunamis* everywhere, just insofar as they are indeterminate; but, on the other hand, that what is just in one polis is not the same as it is in another entails that these principles are applied in a different way according to variety of constitutions and ways of life. Given this, how can the actualisation of such principles take place? In order to be in force in every community and not depend on human decision, these principles must be indeterminate so as to be applicable to communities which may not have anything in common.

On the other hand, if these principles exercise an effective role in the government of each polis, and each polis has its own specific situation, it seems that their being put

into effect in different communities will produce diversity in the way in which these principles are realised, and this operation will depend on human decision. Thus, in the case of any natural principle two aspects may be envisaged. The first is an element of indeterminacy, which makes the principle universally applicable; the second is the specific outcome of its being established in a determinate community. So, we may conclude, in order to be effective, a principle of natural justice also needs an element of convention.

That natural principles of justice can be ‘otherwise’ is confirmed by their changeability. I will face the issue of the changeability of natural and conventional justice in the next chapter. My concern here is with the connection established between the idea of changeability and the idea that natural law is one of those things that ‘can be otherwise’. At *NE* V, 1134b30-3 Aristotle claims:

«ποῖον δὲ φύσει τῶν ἐνδεχομένων καὶ ἄλλως ἔχειν, καὶ ποῖον οὐ ἄλλὰ νομικὸν καὶ συνθήκη, εἴπερ ἄμφω κινητὰ ὁμοίως, δῆλον»,

i.e.

«It is clear enough what sort of arrangement, *among those that can also be otherwise than they are*, is by nature, and what sort is, rather, legal and the result of agreement, given that both sorts alike are changeable».

When he says that both sorts are changeable, he stresses a feature belonging to both kinds of justice. Changeability entails the possibility for a thing to be otherwise than it

is. Differently from the realm of the gods, where there is no change<sup>24</sup>, even natural law can change, and it can be otherwise than it is.

In what respect may natural justice be otherwise than it is? We have seen that what makes conventional enactments otherwise is just their being conventional, i.e. possibility of their being settled in more than one way according to human decisions. That even natural justice is included among the things which can be also otherwise is, as I claim, because it necessarily contains an element of conventionality. In order to be 'otherwise', even natural justice, as well as the conventional in the Aristotelian meaning, will assume different shapes and, in this respect, will presuppose an element of conventionality. Nevertheless, Aristotle still speaks of general principles of justice that are to be distinguished from particular decrees enacted in any particular political community; nature and convention, he insists, are not to be confused. This seems to be the suggestion made at *NE* V, 1134b30-3, where Aristotle says that

«it is clear what things are just by nature and what by convention and agreement».

The most plausible reason for this claim is that justice by nature and justice by convention and agreement are two different spheres, and there is no possibility of mistaking a principle of natural justice for one of conventional justice, just because they deal with different matters and are of different character. So, when I assume that convention intervenes in some respect in natural justice, I am not referring to the kind of convention which Aristotle is so keen to distinguish from nature. It might be objected to my thesis that, since nature is described by Aristotle as separate from convention, he has no intention of suggesting that natural justice becomes 'conventional' through human agreement in specific communities.

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<sup>24</sup> See Aristotle, *NE* V, 1134b28-9.

However, I believe that Aristotle has this aspect of natural justice clearly in mind. A revealing passage is *NE* V, 1137a9-16, when he tries to explain that to act justly is very difficult:

«They [people] think that to have recognized what is just and what is unjust involves no special accomplishment<sup>25</sup>, on the grounds that it is not hard to understand the matters on which the laws utter (although it is not these that constitute what is just, except in an incidental sense): but how things are to be done, and how distributed, to be just - knowing *this*, is more of a task than knowing what makes for health, since even in that case it's easy to know that it's a matter of honey and wine and hellebore and cautery and surgery, but knowing how to administer them with a view to producing health, and to whom and when, is no less a task than being a doctor».

This passage suggests that *actualising* justice may present some difficulty, and human beings are the subjects who experience these difficulties. It is true that at *NE* 1137a9-11 Aristotle says that people believe that

«what is just and what is unjust involves no special accomplishment, on the grounds that it is not hard to understand the matters on which the laws utter».

But, as he recognizes at *NE* V, 1137a12-13, the real difficulty lies in knowing

«how things are to be done, and how distributed».

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<sup>25</sup> τὸ γινῶναι τὰ δίκαια καὶ τὰ ἀδίκαια οὐδὲν οἶοντα σοφὸν εἶναι.



In my view, the difficulty is not with the kind of conventional justice Aristotle describes, but is connected with the indeterminacy characteristic of natural justice, and with human responsibility for applying principles of natural justice. In this passage, Aristotle shows his awareness of principles which are not immediately grasped, inasmuch as they do not rest on specific prescriptions, but require some way of being applied. It is worth noting that Aristotle mentions the idea of distribution, which, as I have suggested before, turns out to be different from those activities concerning otherwise indifferent actions and must comply with some constraints to be regarded as fair. It seems that, when Aristotle speaks of distribution in terms of an activity included in particular justice, he refers to the work of people committed to the making of laws rather than mere obedience to already established laws.

It is true that how things are to be done should be a common concern, but the problem of distribution introduced by Aristotle seems to be more a prerogative of people in power, since it requires some competence. This is confirmed by the fact that at *NE* V, 1137a12-17 he compares knowledge of how to act justly to technical skills like medicine:

«but how things are to be done, and how distributed, to be just-knowing *this* is more of a task than knowing what makes for health, since even in that case it's easy to know that it's a matter of honey and wine and hellebore and cautery and surgery, but knowing how to administer them with a view to producing health, and to whom and when, is no less a task than being a doctor».

This passage is revealing insofar as it introduces the idea of just actions which are not a matter of obedience to unimportant decrees.

Therefore, to act justly is not only a matter of obedience to laws by all the members of the polis; rather it concerns the making of laws, and, I suggest, the actualisation of natural principles through convention and agreement. And this is difficult insofar as there is no determinate model of justice to resort to. That in Aristotle's view natural law is not a mere image to copy in the form of existing laws is claimed at *Top.* VI, 140a7-18:

«Sometimes a phrase is used neither homonymously, nor yet metaphorically, nor yet literally, as when the law is said to be the measure or image of the things that are by nature just. Such phrases are worse than metaphor; for metaphor does make what it signifies to some extent familiar because of the likeness involved (for those who use metaphors do so always in view of some likeness), whereas this kind of thing makes nothing familiar (for there is no likeness in virtue of which the law is a measure or image nor is the law ordinarily so called). So then, if a man says that the law is literally a measure or an image, he speaks falsely; for an image is something produced by imitation, and this is not found in the case of the law. If, on the other hand, he does not mean the term literally, it is clear that he has used an obscure expression, and one that is worse than any sort of metaphorical expression»<sup>26</sup>.

The *Topics* reveals a very important aspect of natural law: it is not an eternal law which men copy as though it were an image. Even more because, as we have seen in the *Nicomachean Ethics*, natural principles are indeterminate and as such cannot be copied in real life.

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<sup>26</sup> The idea of law as an image (εἰδός) of which human laws are just imitations is expressed at Plato, *Plt.*, 300c4-6.

So far, I have said that, in order to be applied in an existing political partnership, natural law needs to be put into a conventional form. As a consequence of this, an element of human responsibility is involved to some degree in the realisation of natural justice in concrete political communities. Is this belief at odds with the Aristotelian claim at *NE* V, 1134b20 that natural justice does not depend on whether we accept it or not? I believe it is not, in that such a statement can be taken as referring to natural justice in general, i.e. before its being enacted in a convention. Human agency intervenes only at this stage, when these principles are being settled into a conventional form which fits the particular condition of each polis.

#### **7.4: *Conclusions***

As we have seen, the great innovation represented by Aristotle's account of natural justice lies in its being made part of political justice; this suggests that the political community is the sphere in which it can be displayed. I have tried to explain the distinction between natural and conventional justice as is drawn in Book V of the *Nicomachean Ethics*, and have suggested that, notwithstanding Aristotle's intention to keep them separate, in some way his theory of natural justice paves the way for the idea that conventionality encroaches on the realm of nature.

As I have shown, two different kinds of convention might be identified; enactments established by human agreement may deal with either issues which are not neutral from an ethical point of view or with important principles of justice capable of spreading values of ethical excellence among the citizens. I considered the latter kind of convention as belonging to natural justice, although nowhere does Aristotle explicitly affirm that natural principles of justice are to be put into conventional form. Given the importance he attaches to natural justice as a component of political life, presumably

the natural justice he has in mind is realisable in existing political communities, and does not have to be taken as an isolated, unattainable ideal.

I have assumed that natural principles of justice as they are conceived by Aristotle are general and indeterminate ones, which is the only way in which they can be taken as having the same *dunamis* everywhere; still, these assume different specifications once they have been settled into a conventional form. Compared to conventional enactments which might be established otherwise without threatening the stability of the political community, these principles, as I maintain, reflect a different form of justice, in so far as they represent a source of ethical values.

## Chapter VIII:

### The Changeability of Natural Justice

#### 8.1: Introduction

As we have seen in the last chapter, the aspect of human agreement connected with the idea of conventionality is not confined to the sphere of non-ethical measures, but encompasses a broader sphere, consisting in the whole set of rules which determines the organisation of the political community, both ethical and non-ethical. It is likely that Aristotle's focus will be on *the ethical worth of political constitutions established by human agreement* rather than on non-ethical relevant issues.

In this chapter I will explore a second aspect of natural justice, which, as I hope to argue, may contribute to illustrate its ethical nature: its changeability. The idea that natural justice is something changeable is expressed at *NE* V, 1134b24-33; changeability is a characteristic which might at first appear striking, considered that, in this context, it would be proper to a kind justice which is the same everywhere. The notion of natural justice seems to waver between the idea of an immutable, unchangeable justice, which has the same *dunamis* everywhere<sup>1</sup>, and a justice that is liable to change<sup>2</sup>. In the first section of this chapter I propose to explain in what respect natural justice may be regarded as immutable and in what sense it changes according to the differences existing among various political communities. My view is that natural justice is changeable insofar as the conditions for its instantiation are variable.

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<sup>1</sup> See Aristotle, *NE* V, 1134b19.

<sup>2</sup> See Aristotle, *NE* V, 1134b32-3.

My general intention is to investigate the role played by natural justice in the organization of any political community, and to see how its characteristic mutability contributes to explaining the way in which its actualisation in political life takes place, even in the ideal constitution. This attempt will lead me to cope with a difficulty that now emerges in Aristotle's description of natural justice: there is only one constitution which is the best everywhere 'by nature'. What does Aristotle mean when he says that a constitution is the best everywhere? And which constitution or constitutions correspond to the best 'by nature'? To these questions I will try to provide an answer in the second main section of this chapter, where I am going to show that the description of the best polis is left indeterminate, just like principles of natural justice before these are formulated according to the specific requirements of each polis. The idea that principles of natural justice have to be instantiated through convention is valid even for the ideal polis, which means that even the idea of a perfect polis needs to be reconciled with human agency.

## ***8.2: Natural Justice: Between Changeability and Unchangeability***

The idea of the actualisation of natural justice in concrete political communities brings us back to the issue of mutability of natural justice, on which I have only so far touched. Aristotle is anxious to correct the belief that only legal enactments established by human agreement are in process of change, whereas what is by nature is unchangeable<sup>3</sup>; in his view, there are laws by nature which, nevertheless, are not prevented from undergoing change and evolution<sup>4</sup>. The characteristic changeability of

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<sup>3</sup> See Aristotle, *NE* V, 1134b24-7.

<sup>4</sup> See *NE* V, 1134b30-3, where Aristotle, while trying to mark a distinction between natural and legal arrangements, admits that they both are liable to change.

natural justice appears to contradict the ordinary belief (corresponding to the view held by most Greek intellectuals in the existing cultural tradition), according to which what is by nature is something immutable, not liable to modifications. Second, the idea that natural justice is changeable might seem at odds even with some authentically Aristotelian claims. For instance, in the *Rhetoric* Aristotle admits that natural law is immutable and of divine character<sup>5</sup>; indeed, even in the *Nicomachean Ethics* what is just by nature is said to have the same *dunamis* everywhere<sup>6</sup>. These claims are difficult to reconcile with the idea of natural laws liable to change.

This apparent contradiction has given rise to a variety of interpretations as to whether natural justice is changeable or not. Two leading interpretations of changeability of natural justice may be identified: a first tendency, which regards natural justice as substantially unchangeable, has been called a 'Platonising interpretation', whereas a second one, which we may call "historicist", suggests that natural justice changes according to the variation of political circumstances<sup>7</sup>. The first interpretation tends to minimize the Aristotelian claim about the mutability of natural justice<sup>8</sup>, a claim which might suggest that such a kind of justice is liable to corruption as well as to improvements, and does not embody an ideal of perfection; such a reading of Aristotelian natural justice supports the character of immutability of natural justice at the expense of its alleged changeability, and in this respect it seems to abide by the Thomistic tradition of thought, according to which natural justice and law are

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<sup>5</sup> See *Rhet.* I, 1375a31-3, where Aristotle, while explaining that sometimes a just decision is not the result of a strict observance of written laws, but is brought about by equity, claims that «the principles of equity are permanent and changeless, and that the universal law does not change either, for it is the law of nature, whereas written laws often do change».

<sup>6</sup> See Aristotle, *NE* V, 1134b18-19.

<sup>7</sup> See P. Destrée, 2000, p. 223.

<sup>8</sup> See P. Destrée, 2000, p. 223.

immutable and incorruptible, and their changeability is simply an effect of human incapacity to grasp the original dictates of the divine law<sup>9</sup>.

As for the second interpretation, the “historicist”, which stresses the aspect of mutability of natural justice, some of its exponents try to reconcile this feature with unchangeability<sup>10</sup>, whereas others disavow the unchangeability of natural justice as a universal paradigm and take it as an open set of rules liable to continuous change, depending on particular political conditions<sup>11</sup>.

In my view, the puzzle of a natural justice which is changeable even if it is the same everywhere might be resolved if we think that the natural justice Aristotle describes is linked to the nature of humanity and the variety of its manifestations in political life. The place where this justice originates is not the realm of the gods, but the political community, conceived in general as the political expression of human reality, i.e. as the only sphere in which human beings actualise their potentialities; the human character of justice inevitably makes it liable to change. Changeability exhibits itself in the variety of political *scenarios* in which different kinds of justice are displayed, which seems to be an indication of how natural justice depends on different political frames.

I claim that justice is changeable, to the extent that it displays itself in a variety of forms according to different political frames. My reading of changeability in terms of a variety of kinds of justice differs from that suggested by Destrée, who believes that, given a shared understanding of what is just and what is unjust, the changeability of natural justice means a diversity in the interpretations that can be given of the idea itself

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<sup>9</sup> See P. Destrée, 2000, p. 224. See also B. Yack, 1993, pp. 141-2.

<sup>10</sup> See P. Destrée, 2002, pp. 225-6.

<sup>11</sup> See P. Destrée, 2002, pp. 228-9. See also B. Yack, 1993, p. 141.



of justice<sup>12</sup>. In his claim, he seems to take over the suggestions provided by the Thomistic position, which, as I think, takes the changeability of natural justice as an expression of the (erroneous) conceptions that human beings have of it<sup>13</sup>.

In my opinion, one may be right in assuming that natural justice is determined in different ways through human agreement, and it is also plausible that, according to what Aristotle claims at *NE* V, 1134b24-7, the changeability of natural justice is connected to the variety of kinds in which justice may display itself; still, it seems to me that variety of political constitutions is not so much a matter of *interpretations* of a general, indeterminate ideal (as both Destrée and Yack seem to suggest) as of different *applications* of views of justice. I believe that, in Aristotle's thought, diversity of political constitutions does not stem from arbitrary views as to what justice is, i.e. from interpretations which do not take into account a polis' need for a suitable kind of justice; rather, the variety of constitutions is affected by the particular conditions of each political community, which make the establishment of norms of justice less arbitrary.

When it comes to having a certain view as to what justice is, interpretations might be endless and not linked to the real situation of the polis. One might have a conception of the best constitution and its proper justice that is not realisable in an existing community, for instance one might imagine a constitution in which all the citizens are virtuous, or a wealthy polis where distributions of money and honours are satisfactory for its members. But when it comes to intervening in political reality, one should take existing factors into account. We have already looked at *Pol.* IV, 1296b13-4, where Aristotle says that whoever possesses political science must consider what

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<sup>12</sup> See P. Destrée, 2000, p. 234. In his article Destrée argues that, in order to escape a relativism of Protagorean kind, Aristotle defends the idea of a perfect regime which may provide a better interpretation of such a sense of justice.

<sup>13</sup> See P. Destrée, 2000, p. 224. See also B. Yack, 1993, pp. 141-2.

kind of constitution is suitable to different populations. Another factor to consider might be the existence of rich and poor people: as he claims at *Pol.* IV, 1291b9-13, constitutions are established according to the prevalence of rich or poor people, or, as he says at *Pol.* IV, 1296b13-34, according to a combination of qualitative and quantitative factors, such as freedom, wealth and education with abundance of population.

Aristotle's insistence on the conditions that encourage the establishment of one constitution rather than another shows that justice is not simply a matter of interpretations. An example is provided at *Pol.* III, 1288a7-19, where he wonders what kind of people is apt to live under a determinate kind of constitution. Again, as he says when he speaks of the origin of different constitutions at *Pol.* III, 1285a15-27, some of them like monarchies arise because there are well-inclined subjects, and others come into being because of the specific nature and skills of their populations and geographical conditions<sup>14</sup>.

As we have seen, on the one hand natural justice consists of indeterminate principles and has the same *dunamis* everywhere, without depending on human decisions to accept it or not<sup>15</sup>; on the other hand, principles of natural justice must be settled into a conventional form and presuppose human initiative to carry them through, as happens with those conventional decrees mentioned by Aristotle at *NE* V, 1134b21-4 and *NE* V, 1135a1-3. I believe that this implied aspect of natural justice, i.e. its drawing on human agreement and its being put into effect in a conventional form, makes it liable to change. Without the aspect of changeability, natural justice would be only a transcendent ideal unable to operate concretely in existing political communities.

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<sup>14</sup> See Aristotle, *Pol.* VII, 1327b22-35.

See also *Pol.* VI, 1321a5-15.

<sup>15</sup> See Aristotle, *NE* V, 1134b19-20.

Convention, in that case, turns out to be the form in which natural justice assumes different forms and, consequently, changes. That natural justice is treated as an indeterminate set of rules and values to be specified in determinate contexts would prove that, since the inner conditions of any political community are affected by various kind of contingencies (e.g. wars, inner rebellions, unrest, a sudden accumulation of wealth or an impoverishment of the people), natural justice must adapt to circumstances and change its shape when required by the particular situation. Natural justice turns out to be an open set of rules in so far as it is indeterminate; it is up to lawgivers to realise legislative measures capable of taking account of political changes.

That at the beginning of Book V of the *Politics*<sup>16</sup> he claims that, although a variety of constitutions can be found, everyone agrees upon what is just in general, i.e. upon the need to preserve proportional equality, seems to fit the idea that natural justice, conceived in its indeterminate character, is the same everywhere. Notwithstanding the variety of political constitutions, all of them cling to the same idea of justice, even imperfect communities; even corrupt constitutions like democracies and oligarchies are expression of natural justice in some way, inasmuch as they contain some element of justice; this is confirmed by *Pol.* V, 1301a36, where Aristotle says that the various forms of constitution possess some element of justice. This shows that, when justice is taken in general terms, and is not regarded in its specified forms, justice remains the same for every community, and in this respect it is unchangeable.

At the same time, natural justice seems to change while being applied in particular political forms. Given all this, we see how an element of human responsibility is involved in the concept of changeability of natural justice. Human intervention may actualise principles of justice more or less well according to circumstances; still, natural justice itself, in its general lines, remains an incorruptible

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<sup>16</sup> See Aristotle, *Pol.* V, 1301a26-39.

source of values towards the realisation of ethical excellence in the polis. Nature modifies itself through a conventional 'strategy', i.e. through adoption of conventional forms, the formulation of which depends on human decision. Natural laws, I have already said, are flexible, open and changeable. Notwithstanding their changeability, their character of immutability springs from their capability of being otherwise, i.e. from their being indeterminate rules which may be established in a variety of conventional enactments.

We come now to a controversial passage of Aristotle's argument in which an analogy is drawn between natural/conventional justice and right/left hands. His argument runs as follows. At *NE* V, 1134b30-3, which I have quoted in the last chapter with reference to the idea that natural and conventional justice are easy to distinguish, Aristotle says:

«It is clear enough what sort of arrangement, among those that can also be otherwise than they are, is by nature, and what sort is, rather, legal and the result of agreement, given that both sorts alike are changeable».

We might expect that the analogy which he draws immediately after will confirm what he has just said. At *NE* V, 1134b33-5 he goes on by explaining that

«the same distinction will fit in the case of other things; for the right hand is superior by nature, and yet it is possible that everyone should become ambidextrous».

The sense of the analogy is quite difficult to grasp fully. The analogy seems to mean that, just as in the case of ambidexterity it is clear enough the use of which hand is by nature, in the same way natural and conventional arrangements are easily

distinguishable from each other, and nothing prevents a constitution from having both<sup>17</sup>; however, what seems to me quite unclear is the reason why Aristotle insists on the superiority of the right hand over the left<sup>18</sup>. Should we apply this belief to the case of natural and conventional justice, natural justice would be regarded as 'superior' in some way to the conventional, which would be openly at odds with my view that nature and convention are not competing standards of justice.

I think that the Aristotelian claim about the superiority of the right hand over the left is not to be interpreted as part of the analogy, i.e. as entailing that natural justice is superior to the conventional; rather, the analogy may simply be understood at a more general level, i. e. as showing that natural justice does not stop being natural justice only because one might learn how to use conventions. Natural justice, as I have also tried to show in the last chapter, is not superior to the conventional; as I claim, the only reason why natural justice might 'prevail' is that, besides its being changeable, it is at the same time the same everywhere, unlike the conventions which have value only in particular constitutions. Only in this respect, as I think, we might say that natural justice is 'superior', but I do not believe that such a superiority is of ethical kind, given that-as I have tried to show in the last chapter-the two kinds of justice are not comparable.

In the next section I want to explore further the notion of natural justice and try to show that natural justice expresses itself into conventions even when the polis at stake is the best one. In that case, as I am going to show, the natural justice typical of the ideal constitution will be superior to natural justice when it is actualised in the form of less perfect communities.

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<sup>17</sup> See Broadie's commentary to the *Nicomachean Ethics* in S. Broadie and C.J. Rowe, 2002, at p. 348. Cf. *MM* I, 1194b33-9, where, with reference to the example of left and right hands, it is said that change of use does not abolish the natural distinction between the left and the right.

<sup>18</sup> On the superiority of the right hand, cf. *MM* I, 1194b33-9, quoted in the footnote above.

### 8.3: Which Constitution is The Best 'By Nature'?

According to what has been said so far, natural and conventional justice do not seem to be opposite spheres of justice; nor does Aristotle stress the superiority of natural justice over the conventional when he draws his strict distinction between natural and conventional principles. Although he describes each kind of justice in relation to the other, he does not make any comparison between the two, nor does he seem to provide a common ground on which the two can be compared. As I have suggested, we are not entitled to speak of a supposed superiority of natural justice over the conventional, when conventional justice is understood as a set of decrees which might be devised in any way without compromising the stability of the polis.

Nevertheless, as I am now going to show, to speak of superiority 'by nature' of some kind of justice over another seems to be perfectly legitimate when the principles of justice at stake are instantiations of natural justice in various conventional forms. In other words, if the kind of convention is concerned with principles of ethical relevance, principles of this kind will be better instantiated in some constitutions rather than in others.

At *NE* V, 1134b35-1135a3 Aristotle mentions those just arrangements based on agreement with a view to what is advantageous, and he compares them to units of measure; as he suggests

«measures of wine and corn are not everywhere of equal size, but larger where people buy. Smaller where they sell»<sup>19</sup>.

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<sup>19</sup> Aristotle, *NE* V, 1135a1-3.

The passage which mostly concerns us is *NE* V, 1135a3-5, which is related to the one just mentioned:

«ὁμοίως δὲ καὶ τὰ μὴ φυσικὰ ἀλλ' ἀνθρώπινα δίκαια οὐ ταῦτ' ἀπανταχοῦ, ἐπεὶ οὐδ' αἱ πολιτεῖαι, ἀλλὰ μία μόνον πανταχοῦ κατὰ φύσιν ἡ ἀρίστη»,

i.e.

«Similarly, just arrangements established not by nature but by human beings are not the same everywhere, since even political constitutions are not the same everywhere, although only one is everywhere the best by nature».

It seems to me that, in these lines, Aristotle is *only apparently* speaking of the same kind of conventions as those mentioned in the previous passage. That the ὁμοίως at *NE* V, 1135a3 does not introduce the same kind of conventions might be confirmed by the idea that, had Aristotle intended to refer to the first kind of conventions (i.e. those conventions which do not concern ethical aspects of political life) he would rather have used the expression γάρ, just to mean that *those* kinds of conventions are not the same everywhere.

By contrast, I believe that the kind of conventions introduced at *NE* V, 1135a3-5 belong to the group of those human agreements in the form of which principles of natural justice are instantiated. Just like the other kinds of conventions, they are established by human beings; still, as I claim, they are 'natural' insofar as they are established with a view to the actualisation of principles inherent to human nature, e.g.

the principle according to which every political community should attempt to realise the well-being of its citizens, or the principle that justice is to be practised, both in a distributive and in a rectificatory form, by both rulers and ruled for the sake of the stability of the polis.

The passage at issue seems also to mark a shift to a new issue, i.e. that there is a constitution which is superior by nature to others. In my view, that Aristotle refers to a constitution which is superior by nature in the context of the discussion of natural justice does not mean that natural justice itself is an exclusive prerogative of the best constitution, presumably the ideal one. In other words, that the ideal constitution is allegedly superior by nature does not mean that existing constitutions do not possess natural justice; by contrast, the ideal one will be superior to the existing ones insofar as in the ideal the principles of natural justice are better instantiated than in existing, imperfect communities.

In other words, in order to establish a comparison between the best constitution and the others, one should presuppose that they are judged on the basis of a single standard applicable to all of them, and such a standard might be the quality of instantiation of principles of natural justice into conventions, which is common to all constitutions. The best constitution, in that case, would turn out to be that in which natural justice is actualised in the best way, rather than being the only constitution in which natural justice displays itself. Aristotle is not saying that a constitution, presumably the ideal one, is superior to conventional constitutions established by human agreement, but rather that, among those constitutions established by human agreement, one might be found which is the best by nature. In that case, even the best constitution would be instantiated through human convention; moreover, this makes me think that there might be constitutions in which principles of natural justice are



established less well, e.g. in some kind of existing constitution, according to the way in which such principles are applied.

We are left with the task of understanding which constitution corresponds to the best one. The *Politics* may help us to understand the idea of a best constitution 'by nature' as a 'human' product. In Books VII and VIII Aristotle engages in a description of the best constitution; its superiority stems from its capacity to secure the most desirable way of life, whose principal ingredient is virtuous activity<sup>20</sup>. Presumably, its justice is a justice of values, capable of shaping individual dispositions of character in the best way possible and enabling people to engage in fair transactions with their fellows.

As it seems, this kind of justice best reflects the ideal of justice expressed in the *Nicomachean Ethics* at the beginning of Book V, described as a disposition of character that prescribes the whole of virtue<sup>21</sup>. It follows that this kind of justice is the outcome of human action and also presupposes some agreement between citizens as to how to regulate their lives in the community. It might be wondered, then, just what is the difference between justice in the ideal community and justice in force in the other constitutions, given that they both involve human agency, or, in other words, what makes the ideal community superior to the others.

A plausible answer to this question might be that, in relation to the best constitution, the other constitutions appear as forms of government which, notwithstanding human efforts, do not manage to reach its level. Among them, we might include those corrupt constitutions described by Aristotle in Books IV, V, VI (e.g. oligarchy and democracy), which, although not established with a view to the common happiness and ethical excellence as the best constitution is, nevertheless

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<sup>20</sup>See Aristotle, *Pol.*, VII, 1324a22-5.

<sup>21</sup> See Aristotle, *NE* V, 1129b19-33.

present some aspect of justice<sup>22</sup>, and, because of this, are liable to ethical assessment and comparable to the best one. The inferiority of deviant constitutions like oligarchy and democracy to the best one would consist either in their being based on an inappropriate idea of what is just<sup>23</sup> (whereas the best constitution promotes justice *haplōs*) or in their agreeing on what is just, i.e. proportional equality, without managing to attain it<sup>24</sup>.

So far, I have talked about only deviant constitutions as distinguished from the best constitution. Such constitutions, we have seen, contain some element of justice, although they fail to realise the perfect justice, i.e. justice that promotes complete ethical excellence among the citizens, and consequently common utility, achieved when distributions of honours and wealth are based on true proportional equality. Nevertheless, if we compare the ideal constitution exclusively with corrupt ones, we might think that the ideal is separate from *all* existing constitutions.

However, what I claim is that, in Aristotle's thought, the best constitution is not separate from existing political constitutions<sup>25</sup>; on the contrary, it may be realised more

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<sup>22</sup> With regard to forms of government like democracy and oligarchy, at *Pol.* V, 1301a36-9 Aristotle says that all these forms of government have a kind of justice, but, in the light of an absolute standard, they are faulty.

<sup>23</sup> See Aristotle, *Pol.* III, 1280a7-10. Before describing which characters are proper of oligarchies and democracies, that are usually taken as examples of deviant constitutions, he claims that all men cling to some kind of justice, but their conceptions are imperfect and fail at expressing the whole idea of justice.

<sup>24</sup> See Aristotle, *Pol.* V, 1301a26-8. As for concrete examples of constitutions that fail to attain the full idea of justice, see democracies and oligarchies as they are described at *Pol.* V, 1301a28-36.

<sup>25</sup> See G. Huxley, 1985. At p. 149 of his article, Huxley points out that the citizens of the best constitution «cannot simply be classified in accordance with any existing constitutional form». On the relationships between the ideal and actual constitutions see C.J. Rowe, 2000, pp. 367: «Aristotle [...] clearly says that writing about the 'best absolutely' [constitution] and saying what is of 'practical use' are not only compatible, but are actually both to be properly regarded as parts of the business of political philosophy. There is no sign of his supposing that the second somehow replaces the first. Indeed, they are for Aristotle in practice as well as in theory *complementary*, insofar as the ideal serves as a standard for judging the actual».

or less well in the form of conventional laws. Reference to the right forms of government may help us to understand that the best constitution is not a detached ideal from some kind of existing constitutions, i.e. monarchy, aristocracy and, to some extent, as I am going to show in the last chapter of my thesis, even polity.

In this respect, an indicative passage is *Pol.* III, 1288a32-b2. At the beginning of the passage, with regard to the best kind of constitution, Aristotle says that, among the three types of right constitution, i.e. aristocracy, monarchy and polity, the best of these will be the one which is administered by the best people; he speaks in general terms, without mentioning any of them in particular as 'the best':

«This is the type in which there is a single man, or a whole family, or a number of persons, surpassing all others in goodness [and therefore entitled to rule], but where ruled as well as rulers are fitted to play their part in the attainment of the most desirable mode of life»<sup>26</sup>.

Only in the following lines, after explaining that in the best constitution the goodness of the good man and that of the good citizens must be the same (I am going to deal with this issue in the next chapter), does Aristotle introduce aristocracy and kingship as existing forms of government which present the same features of the best constitution:

«It clearly follows that just the same method, and just the same means, by which a man achieves goodness, should also be used to achieve the creation of a state on the pattern of aristocracy or kingship; and thus the training and habits of action which make a good

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<sup>26</sup> Aristotle, *Pol.* III, 1288a34-7.

man will be generally the same as the training and habits of action which make a good statesman or a good king»<sup>27</sup>.

In this passage, Aristotle describes the best constitution by reference to already existing forms of government, and not in ideal terms, as detached from political reality. In fact, with reference to aristocracy and monarchy, Aristotle claims that

«the inquiry into the perfect state is the same thing as the discussion of the two forms thus named, since both imply a principle of excellence provided with external means»<sup>28</sup>.

Aristotle is not referring here to the best constitution under particular conditions, but to the best *haplōs*, and he is careful not to mention polity, which, as I am going to show in the last chapter of my thesis, is regarded as the best constitution realisable in specific conditions. Unlike polity, monarchy and aristocracy are mentioned as examples of the best constitution *haplōs*; but, like polity, monarchy and aristocracy are concrete forms of government.

This raises questions on the nature of the best constitution, and the relationship between aristocracy/kinship and the ideal constitution described in Books VII-VIII of the *Politics*, i.e. a constitution which manages to attain in a full way the happiness of the whole of the polis thanks to the complete goodness of its members. In the light of such a constitution, which is capable of guaranteeing the best way of life for all the

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<sup>27</sup> Aristotle, *Pol.* III, 1288a39-b2.

<sup>28</sup> Aristotle, *Pol.* IV, 1289a31-3.

citizens, none of the existing constitutions seems to attain such a perfect ideal, not even monarchies and aristocracies<sup>29</sup>.

My personal view is that there is no qualitative difference between the ideal constitution depicted in Books VII-VIII and the best constitutions described in Book III. I believe that the first kind of best constitution might be an orientative ideal, which, although not fully achievable, might nevertheless be nearly attainable in existing communities. In that case, the ideal constitution might be realised in existing political conditions to some extent, even though some actualisations of the ideal do not manage to realise its perfection. In other words, the ideal constitution might be realised more or less well in existing political communities in so far as these endeavour to attain it<sup>30</sup>, which would mean that the best constitution by nature is not an ideal not actualisable in existing political forms.

It might be objected that Books VII and VIII of the *Politics* are treated as separate from the books dealing with existing constitutions and concern a purely ideal construction<sup>31</sup>, with no reference to existing constitutions. To such an objection it might be replied that in Books VII and VIII Aristotle is confining himself to stressing the general, prescriptive aspect of the ideal constitution, i.e. a set of characteristics which may be found in existing constitutions of the right kind. When Aristotle deals with existing political communities, he commits himself to describing them in the way they are.

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<sup>29</sup> See C.J. Rowe, 1991, p. 60.

<sup>30</sup> See M.I. Finley, 1975, pp. 180-1, quoted in C.J. Rowe, 1991, p. 60.

<sup>31</sup> See W. Jaeger, 1948, p. 273, quoted by C.J. Rowe, 1991, p. 58: «In brief, it is that Books II, III, and VIII- which he calls the “Utopian” books-were originally “united and independent,” and that Aristotle later inserted the “purely empirical” books IV-VI, which were now to form the foundation of the discussion of the best constitution». See also J. Ferguson, 1975, whose view on the issue is reported at p. 60 of Rowe’s article: «Ferguson, on the other hand, seems to identify Utopianism with “building castles in clouds,” and it is in this sense, I suppose, that he declares that “Aristotle was not a Utopian”». See also R. Stark, 1965.

By contrast, when he illustrates the ideal constitutions in Books VII and VIII, he expounds the values at whose realisation the ideal polis aims, i.e. values which are fully attained in the ideal constitution. Such a constitution prescribes a kind of happiness and a practice of ethical *aretē* which right constitutions, aristocratic or monarchic, seem to be able to comply with<sup>32</sup>, although not fully. In that case, the ideal constitution described in Books VII-VIII would be the criterion in the light of which constitutions appear good or bad, and, we might suppose, also an orientative ideal which shows how existing constitutions should be improved.

Given that also in the already mentioned *Pol.* III 1288a33-b2 Aristotle describes the best constitution as a general, indeterminate political condition in which the best men are in power<sup>33</sup>, the characteristic indeterminacy that dominates the description of the best constitution *haplōs*, both in Book III and in Books VII-VIII, makes room for the possibility of having it actualised to some extent in different political constitutions. Rather than referring to a character of perfection in comparison to which existing communities appear corrupt, its indeterminacy might pave the way for the idea that the best constitution by nature may be realised in different ways in different conventional forms, i.e. in existing political communities, to a higher or lower extent. In that case, when Aristotle claims that *only one* constitution is best by nature, he seems to refer to an indeterminate idea of a constitution, which can be actualised in a plurality of forms according to the particular conditions of each polis.

We have seen so far what the best constitution by nature is in Aristotle's thought; that only one political constitution is the best by nature *everywhere* seems to be related to the idea that natural justice possesses the same *dunamis* everywhere, i.e. it has the same validity in any political community, and not to a supposed unattainable perfection

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<sup>32</sup> See R. Bodéüs, 2004, pp. 134-5.

<sup>33</sup> See J. J. Mulhern, 1972, p. 261.

(although, as we have seen, existing constitutions will not probably be able to achieve the same degree of ethical excellence and happiness as that proper to the ideal constitution described in Books VII-VIII). The best constitution by nature is the one that paradigmatically instantiates the indeterminate principles of natural justice-but, insofar as 'the best constitution' may itself take different forms, it too displays-appropriately-the same indeterminacy as the natural justice it ideally exemplifies.

The superiority of such a constitution depends on its capacity to express ethical values better than the others and to contribute to the promotion of ethical *aretē* among the citizens. In that case, the best constitution by nature will be the one in which natural justice is, or would be, in force at its best level.

In my view, the expression '*kata phusin hē aristē*' at *NE* V, 1135a5 means that the best regime is the same for each polis, and there is no need here to suppose, as Mulhern does, that according to Aristotle each polis has an individual best level to reach<sup>34</sup>. My objection to the reading proposed by Mulhern is that it does not account for the idea that natural justice has a universal character, just like the constitution that embodies it at its highest level, and that an ideal, just insofar as it is an ideal, would prescribe to members of different communities the same, *general* principles of natural justice, like the pursuit of *aretē* and fairness in human transactions as ingredients of the common good.

Natural justice is not a transcendent ideal of justice consisting in a sheer image of how a polis should be run, but it may be actualised in existing enactments established by human beings and be displayed in a variety of constitutions. Its ideal nature is connected to its being an indeterminate set of principles which can assume different roles and shapes according to the specific condition of each political community. It is only in existing political partnerships that natural justice comes into effect, although

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<sup>34</sup> See J.J. Mulhern, 1972, p. 261.

only one constitution is best by nature, i.e. the one in which the aims of the state would arrive at a full-fledged realisation.

#### 8.4: *Conclusions*

In this chapter, which was meant to be a development of the issues introduced in the previous one, I have examined the issue of the changeability of natural justice, and I tried to trace it back to the idea that it might be displayed in conventional forms thanks to human agency. Its changeability, then, would stem from the variety in which principles of natural justice are instantiated in different political communities. The specific condition of each polis and its needs will allow lawgivers to instantiate such principles in ways appropriate to the features of each of them.

At the same time, natural justice seems to be unchangeable insofar as, before being instantiated in conventional forms, its principles prescribe just conduct which should be valid in any polis with a view to its stability and well-being. In this respect, as I believe, natural justice is to be taken as the same everywhere, independently of the specific requirements of each community. Principles like preservation of the common interest and norms capable of regulating interpersonal relationships of various kinds by the prescription of virtuous activities will not change, although the aim they pursue can be reached through variegated conventional strategies.

When natural justice is taken to be *changeable*, its supposed changeability is not a matter of different *interpretations* as to what natural justice is, given that, in some cases, such views might not come about from observation of the actual situation of each political community and turn out to be inapplicable in specific political conditions. Rather, as I believe, Aristotle speaks of the changeability of natural justice with regard



to the variety of *instantiations* of its principles according to the socio-economical composition and the needs of each polis.

In the second section of this chapter, then, I tried to account for the idea that there is a constitution which is the best by nature among the others. I hope to have shown that the best constitution in its ideal form, as it is described in Books VII-VIII of the *Politics*, should not be viewed as a constitution in the light of which all the other existing communities look defective. Rather, it seems to represent an ideal which is actualisable to some extent, which shows what an existing constitution *may become* through a correct application of principles of natural justice in the political life.

Natural justice is not to be understood as an already established and unchangeable set of laws; simply, it is a form of justice which still needs to be made into convention and involves human responsibility; a justice, it might be suggested, which is still open and renewable whenever political conditions require a new or a modified set of laws. That natural justice is actualised in different manners according to variety of political constitutions will help us to understand that lawgivers will have to do with different political conditions and try to instantiate principles of natural justice in a consonant way. In the next chapters I will try to illustrate the condition of wise lawgivers who try to improve the conditions of bad communities with a view to the most achievable approximation to the best constitution.

## Part V

# Political *Phronēsis* in Action. The Power of the Wise Lawgiver.

*Time is neutral and does not change things.  
With courage and initiative, leaders change  
things.*

Jesse Jackson

## Chapter IX:

### Political *Phronēsis*. Aims and Methods

#### 9.1: Introduction

As we have seen in the last two chapters, universally valid principles of justice are variably instantiated by lawgivers according to the particular conditions of the polis which they rule; it also seems that every form of political organisation will be affected by their possession or lack of wisdom. When it comes to wise lawgivers, their task is to deliberate well for the happiness of the whole of the state, so that it will be their responsibility to set up good ends for a collectivity of people, even for non-virtuous citizens who by themselves would never act with a view to the common interest and whose behaviour might be dictated from an erroneous conception of what is good. If some people have a bad conception as to what a good life is, they might be harmful towards themselves and commit injustice, in this way compromising the order of their community; problems of this kind should be prevented by good rulers, whose project is to curb injustice and make the state healthy.

The aim of this chapter is to investigate the nature of political *phronēsis* through an enquiry into the nature of the good ruler and his relationship with good citizens. In Book III of the *Politics*, *phronēsis* is claimed to be the characteristic excellence of the *spoudaios archōn*<sup>1</sup>, i.e. the ruler who discharges his role in the political community well through exercise of ethical excellence with a view to the common good. As Aristotle tells us at *Pol.* III, 1277b25-30, possession of *phronēsis* marks the difference

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<sup>1</sup> See Aristotle, *Pol.* III, 1277a14-15.

between the good ruler and the good citizen, who only possesses an *alēthēs doxa* about the things deliberated on by the ruler.

But Aristotle does not make it clear what the *phronēsis* of the ruler consists of, and how the ruler himself displays it in political life. I propose to investigate the nature of the ruler's wisdom both through comparison with the excellence of the *spoudaios* citizen and in relation to Book VI of the *Nicomachean Ethics* and Books IV-V of the *Politics*. I will start my analysis of political *phronēsis* with an examination of the distinction between the *aretē* of the good man and the *aretē* of the good citizen drawn in Book III of the *Politics*. This distinction, introduced within the discussion of the nature of citizenship, paves the way for a second distinction, i.e. that between the excellence of the good ruler, who possesses *phronēsis*, and the nature of the good citizen, who is *spoudaios* but not *phronimos* in the way that the ruler is.

My thesis is that, unlike the excellence of the good citizen, which is affected by the quality of the polis where he lives and does not require complete excellence of character, the excellence of the good ruler is *in a way* independent of the variety of political constitutions, being relative to an absolute standard, i.e. the possession of *phronēsis*. This would suggest that a *phronimos* ruler might retain his *phronēsis* even if he held power in an imperfect community. On the other hand, the work of the good ruler is undeniably affected by the quality of the constitution he governs, given that the task of the ruler is not only to be good, but also to be loyal to his constitution and be capable of preserving it<sup>2</sup>.

However, he might hold power in an imperfect constitution, whose system of justice fails to achieve complete ethical excellence, for instance a constitution whose dominant values are different from that of excellence of character. I suggest that, in Aristotle's view, there is some possibility of improving deviant constitutions which is

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<sup>2</sup> See Aristotle, *Pol.* V, 1309a34-5.

compatible with their preservation; the employment of *phronēsis* in such constitutions might display itself to some extent by way of the avoidance of internal conflicts and of the construction of a balance between parts of the polis. In other words, although the conditions of an imperfect polis put severe constraints on the exercise of wisdom, it would be possible for him to employ his *phronēsis* even in imperfect communities, in case he had the opportunity to hold deliberative power in such constitutions.

## ***9.2: Excellence of the Ruler and Excellence of the Ruled***

The distinction between the excellence of the good ruler and the excellence of the good citizen is made in chapters iv and v of Book III of the *Politics*; in this section, Aristotle handles the issue of citizenship and wonders whether the excellence of a good man is to be regarded the same as the excellence of a good citizen. In order to answer this question, he tries to explain what ‘citizen’ means by providing a general definition of citizenship applicable to any kind of political community.

Citizenship is not determined either by residence in a given place<sup>3</sup> or by entitlements concerning private law, e.g. rights to sue and be sued<sup>4</sup>, but rather by participation in public offices. A citizen, as he claims at *Pol.* III, 1275a22-3,

«ἀπλῶς οὐδενὶ τῶν ἄλλων ὁρίζεται μᾶλλον ἢ τῷ μετέχειν κρίσεως καὶ ἀρχῆς»,

i.e.

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<sup>3</sup> See Aristotle, *Pol.* III, 1275a7-8.

<sup>4</sup> See Aristotle, *Pol.* III, 1275a8-11.

«is one who permanently shares in the administration of justice and the holding of office».

This definition of citizenship makes no reference to the ethical qualities of the individual; it seems immediately clear that a citizen will be regarded as good only in relation to his capacity to perform his role in the polis well. When speaking of a 'citizen', Aristotle is not thinking of an individual who merely abides by the laws in force in the political community, which is a task that might be extended also to aliens and slaves, but is rather thinking of people who take part in political offices and operate in that capacity on the basis of the laws drafted by the lawgiver.

In the *Politics* Aristotle embarks on a description of a wide variety of political communities, each having a particular kind of constitution where powers are distributed and combined according to factors like the nature of the population<sup>5</sup>, the size of the territory<sup>6</sup> or social composition (e.g. predominance of the poor over the rich by virtue of their number or, *vice versa*, of the rich over the poor by virtue of their quality)<sup>7</sup>.

Given that the nature of citizenship is determined by participation in office, the excellence of a citizen will depend on the principles according to which offices are distributed in the constitution of the city where he lives. In other words, different constitutions will require different types of good citizen<sup>8</sup>. In order to clarify this point, at *Pol.* III, 1276b21-2 Aristotle resorts to an analogy between the members of a polis and the members of a ship's company:

«Just as a sailor is a member of an association, so too is a citizen».

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<sup>5</sup> See Aristotle, *Pol.* VII, 1327b18-41 and 1328a35-b3.

<sup>6</sup> See Aristotle, *Pol.* IV, 1299a31-b13.

<sup>7</sup> See Aristotle, *Pol.* IV, 1296b13-34.

<sup>8</sup> See R.G. Mulgan, 1977, p. 57.

In any association whatever, the various members perform different functions. In a ship's company, for example, not all the sailors are doing the same work, but, on the contrary, they will have different duties according to their skills and also to the requirements of the context. As Aristotle goes on at *Pol.* III, 1276b22-4:

«Sailors differ from one another in virtue of the different capacities in which they act: one is a rower, another a pilot, another a look-out man; and others again will have other names in the same sort of way».

What all the members of a community have in common is not the specific role they hold in it, but their contribution towards the attainment of the goal the community strives for. In associations formed by a ship's company, for instance, all members will work towards providing a safe voyage, each of them performing his specific function:

«This being the case, it is clear that the most accurate definition of the excellence of each sailor will be special to the man concerned; but it is also clear that a common definition of excellence will apply to all, inasmuch as safety in navigation is the common end which all must serve and the object at which each must aim»<sup>9</sup>.

Although they have different tasks, the end to whose realisation they contribute is more general than the specific aims pursued by each of them. That is why a specific worker is called a sailor just like the others in a company, although their roles are different.

The same is true of citizens:

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<sup>9</sup> Aristotle, *Pol.* III, 1276b24-7.

«καίπερ ἀνομοίων ὄντων, ἡ σωτηρία τῆς κοινωνίας ἔργον ἐστὶ, κοινωνία δ' ἐστὶν ἡ πολιτεία»,

i.e.

«Though they differ; the end which they all serve is safety in the working of their association; and this association consists in the constitution»<sup>10</sup>.

But things get complicated once we take into account that different political constitutions pursue different conceptions of goodness (i.e. ethical excellence, wealth or freedom), which presumably means that what determines the safety of a community will vary accordingly.

The conclusion to which Aristotle wants to lead us is that the excellence of the citizen is an excellence relative to the constitution. Powers and offices are distributed on the basis of the values that are commonly thought to represent the common good of the polis. For instance, an oligarchic city, which identifies goodness with wealth, will accept as citizens only the possessors of an established amount of wealth, and assign to them offices in proportion to their acquisition of wealth. Or in forms of democracy, freedom and equality are landmark values to pursue, values which are also employed as a criterion for the assignment of political roles, i.e. in the designation of holders of political office. In that case, a citizen will be good if his service to the polis meets the needs of the polis itself, and, therefore, if he contributes to the preservation of its values and the realisation of its aims.

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<sup>10</sup> Aristotle, *Pol.* III, 1276b28-30.



It is now clear how deeply belonging to a given city affects the quality of a citizen<sup>11</sup>. In order to perform a role well, in magistracies or in the judicial field, general expertise will not be sufficient; each individual will be regarded as efficient only insofar as he makes a contribution towards the promotion of the values pursued by his community. One person, for instance, might be a good citizen in an oligarchy, where deliberative power is held by people who make wealth their goal, if he had at his disposal the money needed to take part in political offices, and if his service provided a contribution to the attainment of wealth for both himself and the city. By contrast, a bad citizen in an oligarchy might be one who tried to work with reference to values like equality and freedom; in that case, the stability of the polis would be put at risk. But if such a man held a political role in a democracy, he would be regarded as a good citizen, in that he would preserve the aims of the constitution.

A sign of the different criteria adopted by various constitutions is that people who are confined to working in inferior magistracies in a polis would be allowed to hold deliberative power in a polis of different kind. For example, an oligarchic ruler who governs with a view to his personal interest (by preserving at the same time the most prominent value of the polis, i.e. wealth), will be chosen by virtue of his wealth, but maybe he would not rule in the ideal polis, where only men of complete excellence are entitled to hold deliberative power. In the same way, a common citizen in an oligarchy might not possess the civic excellences needed to preserve virtuous aims and would therefore be a bad citizen in a right constitution, nor would a citizen in a democracy be a good citizen under an oligarchy<sup>12</sup>.

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<sup>11</sup> See R.G. Mulgan, 1977, p. 57: «The virtue of the citizen is [...] relative to the virtue of the constitution of which he is a member and may, if the constitution is a bad one, involve the pursuit of undesirable aims».

<sup>12</sup> See Aristotle, *Pol.* III, 1275a3-5.

That a constitution affects the quality of the good citizen is also proved by the fact that magistracies may vary depending on the quality of the constitution<sup>13</sup>, given that the particular conditions of each community end up by affecting the number and the modes of organization of the magistracies; among such conditions, as I have said in the last chapter, are the size of the community or the number of the citizens<sup>14</sup>. For instance, a big community will need centralised magistracies supported by local ones, like those established to guarantee the general order or those specialised in tax-collection, or, when it comes to small cities, people may hold more than a single magistracy, unlike in big ones<sup>15</sup>. The conclusion to which we are led is that we cannot speak of a single excellence of the good citizen:

«τὴν ἀρετὴν ἀναγκάϊον εἶναι τοῦ πολίτου πρὸς τὴν πολιτείαν. Εἴπερ οὖν ἔστι πλείω πολιτείας εἶδη, δῆλον ὡς οὐκ ἐνδέχεται τοῦ σπουδαίου πολίτου μίαν ἀρετὴν εἶναι τὴν τελείαν»,

i.e.

«the excellence of the citizen must be an excellence relative to the constitution. It follows on this that if there are several different kinds of constitution there cannot be a single absolute excellence of the good citizen»<sup>16</sup>.

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<sup>13</sup> See Aristotle, *Pol.* III, 1299b20-30.

<sup>14</sup> On the issue of the number of citizens, see Aristotle, *Pol.* IV, 1299a31-b10.

<sup>15</sup> With reference to the problem as to how many magistracies a state should have, see Aristotle, *Pol.* IV, 1299b13-20.

<sup>16</sup> Aristotle, *Pol.* III, 1276b30-1.

The message Aristotle is trying to convey here is that the constitution provides the criterion of civic excellence, and at the same time the end towards which each citizen ought to work. This form of excellence seems to be of different kind from the excellence characterising a good man in absolute terms. The excellence of such a man, Aristotle states, is not in relation to the quality of the constitution, given that

«the good<sup>17</sup> man is a man so called in virtue of a single absolute excellence»<sup>18</sup>.

As I am going to explain, the run of the Aristotelian argument is aimed at showing that the single, absolute excellence of character proper to the good man is the same as the excellence of the ruler, i.e. *phronēsis*. As he claims at *Pol.* III, 1277b25-9, *phronēsis*

«ἄρχοντος ἴδιος ἀρετὴ μόνη»,

i.e.

«is the only form of goodness which is peculiar to the ruler»,

whereas

«the form of goodness which is peculiar to subjects [...] may be defined as right opinion<sup>19</sup>».

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<sup>17</sup> ἀγαθός.

<sup>18</sup> Aristotle, *Pol.* III, 1276b33-4.

<sup>19</sup> δόξα ἀληθής.

That Aristotle is referring to the excellence of a good man as a different matter from the excellence of the good citizen is made clear by his claim at *Pol.* III, 1276b35-6:

«It is thus clear that it is possible to be a good<sup>20</sup> citizen without possessing the excellence which is the quality of the good<sup>21</sup> man».

As we may notice, a single adjective, *spoudaios*, is attached to two different concepts: on the one hand, with reference to the good citizen, and, on the other, with reference to the good man. Still, their respective *aretē* will not be the same in any context whatever, given that a person might be a good citizen in his community without being a good man, that is-in the light of what Aristotle says at *Pol.* III, 1277a15-6-without possessing *phronēsis*.

The analogy between the citizens and the members of a ship's company quoted at the beginning of this chapter may help us to understand better Aristotle's view on the relationships between the good man and the good citizen, and at the same time will contribute to explaining that the excellence of the good man is of a *political* quality. In a ship's company, although each member contributes to a safe voyage, not all the sailors are doing the same work. Among the members of the association, Aristotle identifies different roles and capacities<sup>22</sup>, some of which are more technical, whereas others require a work of intellectual kind; the same holds of a political community, where roles are differentiated and some of them involve a deliberative capacity: a capacity which may pertain only to particular members of a good community, i.e. good rulers. The example of the ship's company suggests that, in general, those who hold more 'technical' offices in a political community are not required to display the

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<sup>20</sup> σπουδαῖος.

<sup>21</sup> σπουδαῖος.

<sup>22</sup> See Aristotle, *Pol.* III, 1276b22-4.

excellence needed by the rulers of the community itself, so that their respective excellences will turn out to be of different quality.

Aristotle is speaking here in general terms, without any reference to a particular kind of community; so it seems that, when he claims that the *aretē* of the good man is not the same as that of the good citizen, the possible frame he might be referring to might be either the ideal community, in which—as I will argue in this chapter—all citizens seem to be good men, or any kind of imperfect polis whatever, in which not all the citizens possess the absolute excellence peculiar to the good man: the same excellence—Aristotle will explain clearly in the following passages—characterizing a *phronimos* ruler. But he decides to face the issue of the relationships between the good man and the good citizen from the point of view of the ideal community.

The idea of a perfect polis might suggest that every citizen possesses excellence in a complete sense and turns out to be a good man at the same time. But, as it seems, not even in the frame of the ideal polis is such an identity reasonable. As Aristotle explains at *Pol.* III, 1276b37-1277a1, any common citizen whatever does not possess excellence in a full sense; nor can excellence be the same for all the citizens, since even in the ideal polis roles and capacities are differentiated:

«If it is impossible<sup>23</sup> for a polis to be composed entirely and only of good men; if, none the less, each citizen of a polis must discharge *well* the function belonging to him; if his good discharge of his function involves, as it must, his excellence—then, as it is

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<sup>23</sup> A textual problem is identified in *Pol.* III, 1276b38. Bernays alters the ἀδύνατον in εἰ γὰρ ἀδύνατον ἐξ πάντων σπουδαίων εἶναι πόλιν, and gives δύνατον. Still, even in that case, as Rackham suggests, the general sense of the sentence would be that, assuming the possibility of a perfect state, not all its members would be good men; rather, they all might be *spoudaioi* citizens. See H. Rackham, 1977, additional note to 1276b38 at p. 275.

impossible for all the citizens to be alike, the excellence of a good citizen cannot be identical with that of a good man».

In Kraut's view, two different problems may be identified in this passage: the first is to establish whether Aristotle agrees that it is really impossible for all the citizens of a polis to be good men; the second is to find out if he is saying that it is impossible for a city to consist entirely of excellent citizens or that it is impossible for a city to consist entirely of excellent men<sup>24</sup>. As for the first question, Kraut answers that, in Aristotle's view, not all the citizens are good men in the ideal polis, although this would seem to contradict Books VII and VIII, where the ideal city is described as one in which all the citizens are excellent men and excellent citizens at the same time. He justifies his interpretation by saying that Book III and Books VII-VIII have different aims, and that in Book III, unlike in Books VII-VIII, Aristotle deals with ideal constitutions from the point of view of *existing* political communities, and not in absolute terms, without any reference to the real conditions of its citizens<sup>25</sup>. As for the second question, Kraut answers that, in Aristotle's view, in the best city all citizens will be good citizens, but in no city will all the citizens be good *men*<sup>26</sup>.

My objection to both answers is that, since in Book III Aristotle is speaking of the ideal community, there is no need to suppose that he is doing so in a different way from Books VII-VIII; nor has he mentioned so far any kind of existing constitution in order to display a supposed alternative view of the ideal polis with respect to Books VII-VIII. My view of the passage is that Aristotle regards *all* the citizens of the ideal

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<sup>24</sup> See R. Kraut, 2002, p. 365, footnote 11.

<sup>25</sup> See R. Kraut, 2002, pp. 365-6.

<sup>26</sup> See Kraut, 2002, p. 365, footnote 11; Cf. H. Kelsen, 1977, pp. 176-7. Kelsen reads Aristotle's argument as entailing that «the virtue of the good man and the virtue of a good citizen are really united only in the person of the ruler, not in that of the subject».

community as *potentially* good men, even when they are not rulers. In the remainder of this section of the chapter I will try to make sense of my view by explaining in detail my reading of the passage. For now, I think it will be sufficient to say that, if not all the citizens of the ideal polis were good men, we would not be able to make sense of *Pol.* III, 1277a25-7, where Aristotle says that in the ideal constitution, a good citizen should be capable of both ruling and being ruled:

«men hold in esteem the double capacity which consists in knowing both how to rule and how to obey, and they regard the excellence of a worthy citizen as consisting in a good exercise of this double capacity».

By saying this, Aristotle implies that in the ideal polis a citizen requires the same qualities needed by the ruler to perform his leading role well; but this assumption seems to clash with the idea implied at the already mentioned *Pol.* III, 1276b37-1277a1 according to which not all the citizens can be good men in the ideal polis:

«If it is impossible for a polis to be composed entirely and only of good men; if, none the less, each citizen of a polis must discharge *well* the function belonging to him; if his good discharge of his function involves, as it must, his excellence-then, as it is impossible for all the citizens to be alike, the excellence of a good citizen cannot be identical with that of a good man».

Aristotle is suggesting here that not all the citizens will know how to rule. At a first glance, we might be tempted to conclude that Aristotle is contradicting himself in the argument in question; not only that, but the idea that the best polis is not made up

exclusively of good men seems to be at odds even with Books VII-VIII of the *Politics*, where in such a polis citizens are depicted as absolutely virtuous individuals.

However, my impression is that Aristotle has a way to reconcile his two beliefs. My suggestion is that *Pol.* III, 1276b37-1277a1 is compatible with 1277a25-27 to the extent that in the first passage, after all, we might be dealing with the initial assumption of a *dialectical* argument, which would assume a different meaning in the light of the whole run of the discussion. When Aristotle says that that it is impossible that all should possess the goodness of the good man, at *Pol.* 1277a4-5 he adds the clause

«εἰ μὴ πάντας ἀναγκάϊον ἀγαθοὺς εἶναι τοὺς ἐν τῇ σπουδαίᾳ πόλει πολίτας».

Kraut, who, as we have seen, thinks that not all the citizens in the ideal polis are good men for Aristotle, translates

«if it is necessary that not all the citizens in the excellent city are good men»,

in accordance with Reeve's and Lord's translations<sup>27</sup>.

Barker's translation, which runs 'unless the citizens of a polis are necessarily all good men'<sup>28</sup>, seems to me the most appropriate, in that, as I believe, this clause might

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<sup>27</sup> See R. Kraut, 2002, p. 365, footnote 11; cf. translations of C.D.C Reeve, 1998, and C. Lord, 1984.

<sup>28</sup> Cf. Barker's translation of the whole passage: «the excellence of being a good citizen must belong to all citizens indifferently, because that is the condition necessary for the state being the best state; but the excellence of being a good man cannot possibly belong to all-unless, indeed, we hold that every citizen of a good state must also be a good man». Cf. tr. P. Pellegrin, 1993.



conceal an illustration of the conditions which make a polis the ideal one. As I maintain, in Aristotle's view the ideal polis is composed exclusively of good men.

This, I suggest, is the real option chosen and developed by Aristotle, not only over this section of Book III, but also throughout the remainder of the *Politics*. In Book VII, for example, Aristotle engages in a discussion of the ideal state which will be extended to Book VIII, in which the emerging thesis is that the best constitution is the one in which the highest level of happiness is ensured for both single citizens and the city as a whole; since the happiness of the ideal state is held to be the same as the happiness of each citizen -just as happens in imperfect communities-<sup>29</sup> and its goodness stems from the ethical excellence of the individual citizens, presumably not just *a few* excellent citizens will make the polis ideal, but *each* single citizen.

An excellent state will be one in which the citizens are good men, as Aristotle seems to imply at *Pol.* VII, 1323b40-1324a2:

«The best way of life, for individuals severally as well as for states collectively, is the life of goodness<sup>30</sup> duly equipped with such a store of requisites [i.e. of external goods and of the goods of the body] as makes it possible to share in the activities of goodness<sup>31</sup>».

That Aristotle has in mind not the goodness of just a few members of the polis, but rather of all the citizens is made explicit at *Pol.* VII, 1332a33-5:

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<sup>29</sup> See Aristotle, *Pol.* VII, 1324a5-13.

<sup>30</sup> μετὰ ἀρετῆς.

<sup>31</sup> κατ' ἀρετὴν πράξεων.

«σπουδαία πόλις ἐστὶ τῷ τοῦς πολίτας τοῦς μετέχοντας τῆς πολιτείας  
εἶναι σπουδαίους· ἡμῖν δὲ πάντες οἱ πολῖται μετέχουσι τῆς πολιτείας»,

i.e.

«A state is good in virtue of the goodness of the citizens who share in its government.  
In our state all the citizens have a share in the government».

So, even though, as suggested by Kraut, the aims of Book III and Book VII differ in kind, there is no need to suppose a different approach to the ideal constitution. Even so more because, just as in the sentence just mentioned in Book VII, in Book III as well it is said that the virtue of the good citizen in the ideal polis involves participation to the ruling activity.

But, if so, how is *Pol.* III, 1276b37-1277a1 to be understood? As we have already seen, in this passage Aristotle is apparently suggesting that not all the citizens can be good men, and that the excellence of the good citizen will not be the same as the excellence of the good man. I believe that there might be a case in which the ideal polis is in theory thought to be composed of excellent men, although not all of them are actually virtuous: that is, when there are citizens who are *not yet* virtuous, but are learning to become good men. Since, as I have already said before, the ideal polis is made up of human, not super-human beings, individuals will not possess inborn excellences, but, even in the ideal frame, they will take some time to acquire virtuous dispositions of character. This might find some confirmation in Book VII, where Aristotle, when dealing with the issue of political participation in the ideal community, implies that in the ideal polis, the age of the citizens is a relevant factor for the assignation of political offices.

At *Pol.* VII 1329a8-18, he explains that different political functions belong to different phases of one's life; activities like deliberation about matters of policy or of judgement over issues of justice, for example, require wisdom, which is possessed by mature individuals, whereas military activities will require strength, which is a task more suited to young people. Again, at *Pol.* VII, 1332b33-40, Aristotle says that some people are not suited to govern just because of their being too young, whereas some kind of older people will be appropriate for a ruling position by virtue of their age. Moreover, Aristotle's frequent insistence on the role of the state in the transmission of virtuous values, in Books VII-VIII of the *Politics*, confirms that some training to ethical excellence is needed to make a citizen good. On the other hand, an ideal polis, just *qua* ideal, will consist of good people only. As I am going to show later in this chapter, the activity of the *spoudaios* citizen in the ideal community might be a starting point for the acquisition of ruling skills; experience and training will be fundamental in the acquisition of political *phronēsis*.

As we have seen so far, the *aretē* of the good citizen is regarded as different from the *aretē* of the good man. The good man is *spoudaios* in virtue of a single, absolute excellence, whereas there might be various kinds of excellence of the good citizen, depending on the quality of the polis they will contribute to preserve by holding political office. In order to be good, a citizen does not need to be a good man, i.e. he does not need to be equipped with the whole of ethical excellence. However, the remainder of the Aristotelian argument shows that there is a possible case in which the two excellences come to coincide: the case in which a good man is the ruler of the community. Again, as I have just suggested, when Aristotle says that it is impossible even for the ideal polis to be composed of virtuous men, it is only because some citizens might be *not yet* virtuous, which means that they might be on their way to

becoming *phronimoi* and *agathoi*, so that the ideal community, unlike the existing ones, will in a way, after all, be composed of good men only.

My view is that, when Aristotle says that the two excellences coincide in the ideal community, he believes that even a good citizen might be good according to complete ethical excellence, and therefore be destined to rule. In order to argue for this thesis, I will examine and try to refute the position held by Develin, who in his article *The good man and the good citizen in Aristotle's "Politics"* <sup>32</sup> endeavours to show that excellence of the ruler and excellence of the ruled do not coincide, not even within an ideal frame.

The general aim of Develin's article is to shed some light on the distinction between the good man and the good citizen in Aristotle's political thought by means of an examination of two adjectives employed in Book III of the *Politics*: *spoudaios* and *agathos*. Develin tries to show that the adjectives *spoudaios* and *agathos*, as are employed by Aristotle, illustrate the distinctive excellences of respectively the good citizen and the good man, with a view to demonstrating that the two kinds of excellence do not generally coincide, not even in the ideal constitution, except in the case of a *phronimos* ruler. Develin's overall argument seems to suggest this: that the excellence of the good man and that of the good citizen coincide in the case of the ruler does not mean that any good citizen whatever will acquire the excellence proper to the ruler. To demonstrate his thesis, he claims to show that in no case—not even in the context of the ideal constitution—will the excellence of the *spoudaios* citizen be the same as the excellence of the *spoudaios* man.

Now, Develin is surely right to stress the roles of good rulers and good common citizens should be different even in the ideal polis, whose well-being depends on a well-

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<sup>32</sup> R. Develin, 1973, pp. 71-9.

balanced diversification of functions<sup>33</sup>; as a matter of fact, a man *qua* ruler will not display the same range of skills as a man *qua* common citizen, i.e. *qua* ruled. According to Develin, as I understand his argument, Aristotle's choice of the ideal constitution as a context for his discussion may be useful inasmuch as it would confirm that the excellence of the good citizen will not coincide in general with the excellence of the good man. In his view, Aristotle might be adopting the frame he does because he probably expects that, when we think of the citizens of the ideal constitution, we tend to imagine each of them as provided with complete ethical excellence; but, according to what he says, this does not seem to be the case: even in the ideal city there might be people who are not completely virtuous, although all of them possess civic excellence. Moreover, that idea, that the excellence of the good man is to be identified with the excellence of the good ruler and not with that of the good citizen would confirm that nowhere-not even in the ideal polis-can an identity between the *aretē* of the good ruler and the *aretē* of the good citizen generally be established.

As a matter of fact, excellences differ in kind, and each of them contributes in some way to the well-being of the community. But this does not necessarily entail that a man will never possess more than one kind of excellence. It is obvious that, *qua* citizen, a person will act in the community in a different way from the same person *qua* ruler, since, as has been agreed, the task of being a good citizen does not require the exercise of complete ethical excellence required by the activity of ruling. However, this does not exclude that the same man is possessing both forms of excellences, although he cannot display them at the same time.

If I am right in my account of Develin's view, I claim that it is misleading. Unlike him, I believe that Aristotle's reference to the context of the ideal city is useful because it shows that a good citizen can be also a good man. The ideal polis will not be

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<sup>33</sup> See R. Develin, 1973, p. 78.

the frame for irreconcilable excellences; rather, it will be the context chosen by Aristotle to explain that there might be a man in whom the two excellences end up by coinciding. The excellence of the good man/ruler differs from that of the good citizen; but the possession of one of the two excellences—I maintain—does not exclude the possession of the other in the ideal polis, in which—according to my account, as I have already explained—all the citizens are virtuous individuals from an ethical point of view. In other words, that the ruler in the ideal polis is a good man does not imply that common citizens will never be good men like him.

I think that Develin fails to argue for his thesis in more than one respect. A first way in which I believe he goes wrong is that he takes it for granted that it is Aristotle's assumption that not even in the ideal polis are all the citizens virtuous men, and he does not seem to notice that this is at odds with *Pol.* III, 1277a25-7, where Aristotle says that a good citizen should be able to rule, not only to be ruled. Moreover, he seems to be wrong when he claims that not even in the ideal community do the excellence of the good citizen and that of the good man generally coincide, except in the case of the ruler. The idea that in the best polis the citizens should know how to rule besides how to be ruled shows that in this context each citizen is expected to become a ruler. A man *qua* citizen might differ from himself *qua* ruler in two different respects: either in so far as he is not yet a completely virtuous individual or inasmuch as he cannot possibly rule and be ruled at the same time. But if the citizens in the ideal community hold power in relays, they will know when to act as common citizens and when to employ their goodness in the ruling activity, just in virtue of their being good men.

As Aristotle points out at *Pol.* III, 1277a28-33, the ruler and the citizen do not have to learn the same things, *but the citizen must know both*:

«εἰ οὖν τὴν μὲν τοῦ ἀγαθοῦ ἀνδρὸς τίθεμεν ἀρχικὴν, τὴν δὲ τοῦ πολίτου ἄμφω...»;

the employment of the word ‘ἁμφότερα’ suggests that the ruling excellence proper to the citizen must be the same as that of the ruler, and it is not the excellence required to hold any office whatever in the community. Again, as he goes on to say at *Pol.* III, 1277a33-b1, there may be different kinds of authority: for instance, that of a master over slaves, which does not require from him a skill at executing the technical jobs done by them; but when it comes to the authority according to which a man rules over free persons, he must learn to rule by being ruled. This is the so-called ‘political’ form of authority. Such a kind of governance, Aristotle says at *Pol.* III, 1277b10-13,

«is the sort of rule which the ruler must begin to learn by being ruled and by obeying<sup>34</sup>—just as one learns to be a commander of cavalry by serving under another commander, or to be a general of infantry by serving under another general and by acting first as a colonel and, even before that, as captain. This is why it is a good saying that ‘you cannot be a ruler unless you have first been ruled’».

Provided that the citizens of the ideal community rule in relays, they must all learn how to become good men and start by holding some kind of political office.

Develin is right when he implies that a man *qua* ruler needs to display his *phronēsis*, and that such an excellence is different from that of the *spoudaios* citizen, but his account cannot explain for example how a ruler, once having quit his role, can

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<sup>34</sup> ἦν δεῖ τὸν ἀρχοντα ἀρχόμενον μαθεῖν.

benefit from the rule of the people who have replaced him<sup>35</sup>, if they do not possess the same qualities. When a ruler stops governing, he will have to obey the new rulers, but, *qua phronimos* man, his ruling ability will be preserved, even when this is not exercised. Were Aristotle mainly interested in stressing a differentiation of excellences, as Develin seems to believe, it would be difficult to understand Aristotle's insistence on the point that *in the ideal city* the excellences of good man and good citizen may coincide. What Aristotle is most anxious to show is that possession of political *phronēsis* is what entitles a man to hold power, even if for some of the time he will be a common citizen.

A second respect in which his argument seems to be wrong is connected to the way in which he attempts to demonstrate that the *aretē* of the common citizen and that of the good man are separate matters. In order to identify the nature of the different *aretai* at stake, he adopts a linguistic approach. He tries at first to track down the origin of the adjectives *spoudaios* and *agathos*, and he makes reference to Homer, Theognis, Xenophanes, Solon and Plato<sup>36</sup>; then he passes on to examine Aristotle's use of such adjectives, so as to demonstrate that -in Aristotle's view- a good citizen is distinctively *spoudaios*, but not *agathos*<sup>37</sup>.

I think that Develin's account on the origin of the adjectives *spoudaios* and *agathos* provides insubstantial evidence for his theory, given that such an account is not employed by him in the explanation of the argument at Book III. Even though he says that the adjective *agathos*, employed by Homer with reference to military excellence, acquires in later authors an ethical connotation, still this does not explain the supposed difference between *agathos* and *spoudaios*, nor does it exclude that *spoudaios* too can

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<sup>35</sup> See Aristotle, *Pol.* III, 1279a3-8.

<sup>36</sup> See R. Develin, 1973, pp. 73-5.

<sup>37</sup> See R. Develin, 1973, pp. 75ff.



be used in relation to the ethical sphere; even more because, as Develin himself says at p. 75 of his article, they both refer to the sphere of human action:

«The σπουδαῖος man, in the same way as the ἀγαθός, shows himself in action, using an ἀρετή guided by προαίρεσις»,

although he points out immediately after having said this that the two adjectives are not synonymous. He tries to demonstrate that *spoudaios* has a different sphere of meaning from *agathos*, but the evidences he provides are not decisive for his argument. He quotes the passages of some Aristotelian works others than the *Politics*, so as to show that the adjective *spoudaios* does not allude at the same sphere of meaning entailed by *agathos*.

According to Develin, passages of the *Poetics* like 1451b5ff, where poetry is described as σπουδαιότερα than history<sup>38</sup>, or 1449b24, in which Aristotle defines tragedy as μίμησις πράξεως σπουδαίας, would reveal that σπουδαῖος is not employed with reference to an ethical sphere; the same would be true for *Met. Δ*, 1021b23-4, where he says that things which have attained their end, if their τέλος is σπουδαῖος, are called τελεία, or *NE VII*, 1152b21 (not 1152a21, as he says) where we are told that not all ἡδοναί are σπουδαῖαι<sup>39</sup>.

Still, all these examples display only a restricted part of the ways in which *spoudaios* is used by Aristotle, and leave aside a fundamental sphere in which it is employed: the ethical. In the passages quoted by Develin, *spoudaios* is never used directly in relation to human beings; but we can find innumerable examples in which

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<sup>38</sup> See R. Develin, 1973, p. 76.

<sup>39</sup> See R. Develin, 1973, p. 76.

*spoudaios* is applied to men and qualifies them as *phronimoi* and *agathoi*. In the present discussion I will mention only a few-but significant-cases which show that *spoudaios* may have to do with excellence of character. For instance, at *NE* III, 1113a32-3 the *spoudaios* man is thought of as discriminating correctly in every set of circumstances, which seems to be a capacity typical of a *phronimos* individual. In a more explicit way, at *NE* VII, 1152a7-8, in order to explain that it is not possible for the same person at the same time to be wise and un-self-controlled, Aristotle says that one is *spoudaios* in character insofar as he is at the same time *phronimos*. Again, at *NE* IX, 1166a11-13, he claims that *aretē* and *spoudaios* (who, therefore, must be a person of excellence) can be taken as a measure for every sort of case, and in the same Book, at *NE* IX, 1170a8-10, the *spoudaios* man, just in so far as he is *spoudaios*,

«delights in actions in accordance with excellence, and is disgusted by those flowing from badness».

The examples I have quoted show that Develin is not right to say that *spoudaios* is not synonymous of *agathos*. Even in the *Politics*, which is the subject of our discussion, *spoudaios* is sometimes used to express an ideal of excellence. For instance, at *Pol.* VII, 1332a32-3, Aristotle tells us that the *spoudaia polis*, i.e. the *virtuous* state, is the product of *epistēmē* and *proairesis*, and, as he goes on, the goodness of the state stems from individual excellence<sup>40</sup>, which means that the *spoudaioi* individuals must be *agathoi* in order to make their polis excellent. In that case, a *spoudaios* citizen cannot be different from an *agathos* one.

Again, Develin is not right in claiming that *agathos* is the natural contrary of *kakos*, *spoudaios* of *phaulos*; even though, on some occasions, *agathos* is mentioned by

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<sup>40</sup> Cf. footnote 19 of this chapter.

Aristotle in relation to *kakos* to designate opposite things, and, in the same respect, *spoudaios* is cited in relation to *phaulos*<sup>41</sup>, nowhere does he say that *agathos* is by definition the ‘natural’ contrary of *kakos*, nor that *phaulos* is the ‘natural’ contrary of *spoudaios*. And, even if we admitted that he is right in thinking so, this would not show that *spoudaios* and *agathos* have a different sphere of meaning. In his account of the two adjectives, Develin implies that Aristotle is using *agathos* exclusively with reference to the good man/ruler, but not with reference to the good citizen; but, given what I have just said, this might not be true. Not least because Book III of the *Politics* contains a controversial passage in which Aristotle says that a citizen who takes part in politics *must be wise*.

The passage at issue is *Pol.* III, 1277a14-16:

«φάμεν δὴ τὸν ἄρχοντα τὸν σπουδαῖον ἀγαθὸν εἶναι καὶ φρόνιμον, τὸν δὲ πολιτικὸν ἀναγκαῖον εἶναι φρόνιμον»;

in this passage a textual problem might be identified. Unlike Barker, who translates:

«We call a good ruler a ‘good’ and ‘prudent’ man, and we say of the statesman that he ought to be ‘prudent’»,

Rackham translates

«Now we say that a good ruler is virtuous and wise, and that a citizen taking part in politics must be wise»,

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<sup>41</sup> At p. 76 of his article, footnotes 23 and 24, Develin cites as evidences of his claim passages of *Rhetoric*, *Categories*, *Nicomachean Ethics* and *Poetics*.

which might be plausible if we assume, as I do, that in the ideal polis every citizen may rule in virtue of his possession of ethical excellence and *phronēsis*. In that case, Develin's assumption would be definitively wrong.

Finally, a respect in which I believe that he fails to argue for his thesis is that, although he is right to say that—in Aristotle's opinion—a man *qua* ruler will not be the same as a man *qua* common citizen, he does not investigate the consequences of such a belief, which I think constitute Aristotle's main concern. In my view, the distinction drawn by Aristotle between the two kinds of excellence is only the starting point for what I believe is his principal intention: to show that *whoever* possesses *phronēsis* and ethical excellence can be a good ruler.

Before we go on to the next section of this chapter and shed some light on the nature of political *phronēsis*, a few considerations of a different kind should be entered. Since the excellence of the good man is the *phronēsis* peculiar to the good ruler, his task involves an activity of ruling over his fellow-citizens, who must apply his orders in relation to political activity with a view to the well-being of the community. As Aristotle suggests at *Pol.* III, 1277b25-31, *phronēsis* is the *aretē* peculiar to the ruler, and it is connected to his capacity to make decisions relating to the good of the polis, i.e. to his deliberative power; the other citizens, by contrast, have only an *alēthēs doxa*, i.e. a correct opinion, presumably with regard to the things established by the ruler, and their work is based on decisions already made by the man who possesses authentic political *phronēsis*.

But when we refer to the ideal polis, where all the citizens are virtuous and must rule in relays, how can we say that they have only an *alēthēs doxa*? My answer is that, when they are simple citizens, they do not need to engage in the kind of reflection for which the ruler employs his *phronēsis*; so that they will rely on the decisions of the good ruler, even though they would be able to govern according to *phronēsis*. When

they are called to rule, they will have to display their *phronēsis*, and mere correct opinion will not be sufficient.

A second point is that, in the ideal polis, the ruler's respect for its values is surely compatible with his exercise of political *phronēsis* where rulers are chosen on the basis of their *phronēsis* and citizens are educated to excellence of character. By contrast, a ruler in charge of a corrupt polis, whose government forwards the search e.g. for self-interest rather than the general good, will not be good, although his fellow-citizens, having absorbed the same values and the aims pursued by the constitution, might regard him as a good ruler. What Aristotle is trying to tell us is that a ruler must be judged only on the basis of his possession or lack of *phronēsis*, and not according to the values conveyed by any polis whatever; values which, in the case of deviant constitutions, might turn out to be deleterious for the ethical growth of the citizens and political stability.

That Aristotle speaks of political *phronēsis* in relation to the ideal community might suggest that only in the best polis will the ruler be independent of the values of the political community and judged on the basis of his *phronēsis*, whereas, were he a ruler in a less perfect community, he would be severely constrained by the values in force. However, Aristotle does not seem to introduce the ideal constitution as the *only* form of political community where the identity between the good man and the good ruler can be established. In my view, that the excellence of a good ruler is not dependent on the quality of the constitution where he exercises his power applies even to the case of the ideal constitution.

A question might be raised: will the identity between the good man and the good ruler survive in non-perfect political communities? The attempt to answer this question will be the object of the following section of this chapter.

### 9.3: Goodness of the Ruler and Corrupt Communities

*Phronēsis* has been introduced so far as a quality whose possession marks the difference between a good ruler and a good citizen. We have seen that only the good ruler possesses *phronēsis*, whereas the good citizen may have a kind of *alēthēs doxa*, i.e. a right opinion about the things established by the lawgiver with a view to goodness of the community. Given what I have said in chapter II of this thesis, *phronēsis* is the excellence involved in good deliberation. The issue of *euboulia* is treated in book VI in absolute terms, presumably with respect to individual goals, and without any reference to particular, restrictive conditions<sup>42</sup>.

When it comes to political *phronēsis*, it seems that good deliberation on the well-being of the polis involves possession of the political science, which, as Aristotle explains in Book IV of the *Politics*, is a science enabling a lawgiver to deliberate well on the basis of knowledge of the best constitution.

But the account of political science provided at the beginning of Book IV of the *Politics* shows that the person who truly possesses political science should also know how to deliberate in imperfect communities, by knowing what sort of constitution will better adapt to each of them either specifically or in general<sup>43</sup>. The capacity typical of the lawgiver who possesses authentic political science consists in his power to master both the knowledge of the ideal constitution, which is superior by nature, and knowledge of existing ones, which may be more or less defective in relation to the ideal. But since, as it seems, realising the best constitution in communities characterised by unfavourable conditions is almost impossible, a good lawgiver will endeavour to

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<sup>42</sup> See *NE* VI, 1141b12-15, where Aristotle speaks of the good deliberator without qualification.

<sup>43</sup> See Aristotle, *Pol.* IV, 1288b22-39.

realise the best constitution in determinate conditions<sup>44</sup>, without this depriving him of the knowledge of how the ideal constitution should be.

For instance, a given constitution might be bad and in need of being modified, but the citizens might be reluctant to cope with political change, so that lawgivers are compelled to adopt measures easily acceptable by them<sup>45</sup>, notwithstanding their awareness that different laws might make the city better. Another reason why lawgivers do not often attempt to realise the ideal polis in existing communities is that, in Aristotle's view, the lawgivers' task is not to change the basic structure of a political constitution, but to respect the constitution in force<sup>46</sup>. Thus, besides the science of the best constitution, it is also necessary for a lawgiver to know which constitutions are more realisable than others and which kinds of laws are appropriate to each of them.

Political science presupposes the capacity to see how constitutions must be organised; as Aristotle says at *Pol.* IV, 1297b37-1298a3, every form of constitution presents three entities of a different kind: the first is the body that deliberates about the common interest; the second is the body of magistracies; the third is judiciary power. The task of the good lawgiver is to consider what is most advantageous for each office and how such offices should be organised in relation to the ends of the polis. But the deliberative power of the *phronimos* ruler is also concerned with concrete matters, like issues of war and peace for example, or the making and breaking of alliances, or the enactment of specific laws<sup>47</sup>. Given all this, it seems that the *phronēsis* of the ruler must engage the good man in the enacting of both general and particular plans; all things that

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<sup>44</sup> See Aristotle, *Pol.* IV, 1288b25-8.

<sup>45</sup> See Aristotle, *Pol.* IV, 1289a1-5, where it is said that any change of government which has to be introduced should meet people's consent, and also that «it is a difficult matter to reform an old constitution as it is to construct a new one».

<sup>46</sup> See Aristotle, *Pol.* V, 1309a33-5. Cf. *Pol.* VI, 1319b33-6, where it is said that the task of the legislator is not so much to set up a constitution *ex novo*, but rather to ensure its preservation.

<sup>47</sup> See Aristotle, *Pol.* IV, 1298a3-7.

mere *alēthēs doxa*, i.e. a correct opinion about what is good, would not enable one citizen to do. Political science, then, presupposes the capacity to devise ways of actualising either the best justice possible or the utmost degree of justice and goodness realisable within imperfect communities. In the same way, we might suppose, *phronēsis* is the intellectual disposition by virtue of which the good ruler might be conceived of operating in communities other than the best.

Having said this, we might go back to the question I formulated at the end of the first section of this chapter: will the identity of the good man and the good ruler by virtue of *phronēsis* stand even in the context of a non-perfect community? I have already expressed my view that the identity between the good man and the good citizen as ruler, although established within the context of the ideal community, is not exclusively valid for the ideal community, just because the goodness of the good ruler depends on *phronēsis* and not on the values prescribed by any polis whatever. On the contrary, we have seen, he is anxious to differentiate the dependence of the good citizen on the quality of the polis from the excellence of the ruler.

The question about the identity between the good man and the good ruler in imperfect communities might be formulated also in the following way: can a good ruler be good in absolute terms in an imperfect polis? When he deals with the issue of the preservation of constitutions in Book V of the *Politics*, Aristotle explains that three qualifications are needed of those who hold deliberative power. At *Pol.* V, 1309a34-7 (I have mentioned part of this passage in footnote 44 of this section), he says:

«πρώτον μὲν φιλίαν πρὸς τὴν καθεστῶσαν πολιτείαν, ἔπειτα δύναμιν μεγίστην τῶν ἔργων τῆς ἀρχῆς, τρίτον δ' ἀρετὴν καὶ δικαιοσύνην ἐν ἑκάστη πολιτείᾳ τὴν πρὸς τὴν πολιτείαν»,



i.e.

«The first is loyalty to the established constitution; the second is a high degree of capacity for the duties of the office. The third is the quality of goodness and justice, in the particular form which suits the nature of each constitution».

In the ideal constitution, all these requirements are perfectly compatible, since the loyalty of the skilful lawgiver would be towards a constitution whose properties and conditions enable him to actualise perfect goodness and justice, the same goodness and justice that contribute to making him a virtuous man in a complete sense. This is possible insofar as, in such a constitution, the criterion for the designation of rulers is ethical and intellectual excellence, i.e. qualities possessed by the good man. Moreover, it seems that even good citizens who do not possess complete excellence of character will be able to recognize who might be a good and just ruler. But when it comes to non-ideal communities, would these requirements still be compatible?

It seems that in right (although non-ideal) constitutions, which operate with a view to the common interest, the good ruler might work to reproduce the best kind of justice possible, and remain at the same time loyal to the values pursued by such communities. That the goodness of a ruler depends on his *phronēsis*, and not on external conditions like the quality of the polis, seems to imply that he might intervene in right constitutions by ameliorating their system of justice, and not merely preserve it in exactly the way it is. This might happen, for example, in some forms of monarchy or aristocracy, whose good approaches that of the ideal constitution. But when it comes to deviant constitutions, the loyalty of the good lawgiver to the constitution would correspond to loyalty to a corrupt system, and this might not be easily reconcilable with his supposed political skills and inner goodness.

I will now try to investigate the relationships between the good ruler in absolute terms, and the good ruler in deviant communities. The first question we should ask is the following: will a man acquire complete excellence of character in a corrupt polis? Only once having ascertained that such a man may become good will we ask if such an individual will be able to rule a deviant community. It seems that, although the values conveyed by any community undeniably end up affecting its citizens' education, a citizen might become good even in a bad community, provided that he possesses a natural inclination to ethical excellence and receives a private training for it.

That is what is suggested in Book X of the *Nicomachean Ethics*, where Aristotle claims that only in a few places has the lawgiver given careful attention to the correct upbringing of his fellow-citizens<sup>48</sup>, and at *NE* X, 1180a30-2 says that

«if things are neglected on the communal level, then it would seem appropriate for each to contribute towards his own children's and friends' acquisition of excellence, and for him to have the capacity to do so, or at any rate to decide to do it»,

although in the following two lines of this passage he acknowledges that the best thing would be an education supervised through establishment of good laws.

These passages, which I have mentioned in chapter II with reference to the issue of education of individuals to ethical excellence, show also that, when laws lack this capacity, a training provided by someone like a father might in some cases make an individual equally virtuous; for, as he claims at *NE* X, 1180b3-6,

«the things a father says, and the habits he imposes, have the same force in a household as legal provisions and customs in a city; or even more force, because of the bonds of

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<sup>48</sup> Cf. Aristotle, *NE* X, 1180a24-9.

kinship and beneficence; for offspring are naturally predisposed to feel affection for and to be obedient to fathers».

Moreover, as he adds at *NE* X, 1180a7-11, the education prescribed by a father might also be less general and more suited to the character of his son than a general education provided by the community.

These examples suggest that an individual might be brought up well even in a corrupt constitution. However, to say that a good man may exist in a deviant polis does not amount to saying that he can rule it; my question is: how might his goodness be employed in the service of the political community by improving it? In order to answer this question, let us move to the Aristotelian distinction between correct and deviant constitutions drawn at *Pol.* III, 1279a17-22. He calls 'right' those constitution that aim at the common advantage and are thought to be right according to an absolute standard of justice, whereas deviant constitutions are those that pursue exclusively the ruler's (or rulers') own advantage, and are taken to be perversions of the right forms. Since power may be held by one person or the few or the many, a constitution will be correct when either the one, or the few, or the many govern with a view to the common interest<sup>49</sup>.

Now, power with a view to the common advantage presupposes the employment of a degree of ethical excellence, which is inseparable from *phronēsis*<sup>50</sup>, given that *phronēsis* consists in the ability to find the means to good ends and constitutes a fundamental component in the process of deliberation for the good<sup>51</sup>; this seems to be the case of constitutions like monarchy and aristocracy, where the best people are in charge of deliberative power, whereas polity, although aimed at the common interest, seems to be based on a particular kind of virtue, i.e. military excellence, and not on

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<sup>49</sup> See Aristotle, *Pol.* III, 1279a25-30.

<sup>50</sup> See Aristotle, *NE* VI, 1144b30-4.

<sup>51</sup> See Aristotle, *NE* VI, 1140a25-33; *NE* VI, 1142b29-34.

complete excellence of character<sup>52</sup>. By contrast, when Aristotle speaks of deviant constitutions, he does not seem to admit the possibility of a *phronimos* ruler, given that to be *phronimos* means to pursue the common good and justice, whereas a community is deviant when its rulers govern in view of their own interest and fail to actualise the well-being of all its citizens.

Now, had we to figure out a 'wise' version of a deviant community, we would have to think of a different kind of constitution, i.e. its right counterpart, and not of an improved form of the corrupt constitution. An example of the stark distinction between right and deviant constitutions is given at *Pol.* IV, 1289b5-11, where Aristotle claims that, contrary to what one might believe, it is not possible to speak of a right form of oligarchy; on the contrary, he says, deviations are all wrong and it is not correct to say that one oligarchy is better than another; rather, we may say that it is less bad. The same holds of democracy; although Aristotle describes various forms of it, he still ranks them all with the group of deviant constitutions.

As we can see, in his identification of right and deviant constitutions, Aristotle applies a rigid taxonomy, which apparently does not leave any room for a kind of constitution that, although deviant, is governed by *phronimoi* rulers. Equally, if a good man had the opportunity to hold deliberative power in a deviant constitution, he would not easily be able to change it into a right one, for instance an oligarchy into a monarchy, given that, in this way, he would jeopardize the stability of the community and meet with popular dissent.

However, as I believe, there is one possible case in which a wise ruler may hold power in a bad community without changing its constitutional form. On such a possibility Aristotle does not pronounce, and we may only conjecture about what his thought on the issue might have been; still, if we assume that the excellence of the good

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<sup>52</sup> See Aristotle, *Pol.* III, 1279a33-b5.

ruler does not depend on the quality of the city he governs, but on *phronēsis* as an absolute standard, such a possibility might well seem plausible. This possibility is that of a community whose main values are not those of ethical excellence, but nevertheless are pursued through some degree of ethical excellence; in other words, a constitution in which *phronēsis* is exercised with a view to the preservation of general stability and avoidance of conflicts that might end up by provoking a change in the constitution, even when such a constitution does not aim at the achievement of ethical excellence of its members.

At *Pol.* III, 1283a14-18 it is said that the claim to office must be based on superiority in those things that constitute the being of the state, and that, therefore, it is reasonable for the well-born, the free and the wealthy to lay claim to power. We see that, beside the search for either private or common interest, a second criterion for the distinction between different communities is the specificity of the values they pursue; the same values which are employed as criteria for the designation of a political leader. Excellence of character, Aristotle explains, is indispensable for the administration of the state, but, on the other hand, wealth and freedom are indispensable for the state's existence<sup>53</sup>.

Values like wealth and freedom are not harmful in themselves; what makes them bad is the wrong use an individual makes of them, especially when the individual at issue is a political ruler. On the other hand, it is true that such values, unlike ethical excellence, are not based on any kind of intermediacy, and they run the risk of causing greed and conflicting ambitions. Maybe that is why Aristotle never speaks of virtuous oligarchies or democracies. The possibility that Aristotle does not introduce is that of a virtuous ruler who governs wisely in a polis where ethical excellence is not the supreme value to pursue, and still remains loyal to the constitution in force.

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<sup>53</sup> See Aristotle, *Pol.* III, 1283a19-23.

I suggest that, even in such a community, a wise ruler might use his *phronēsis* to some extent; for instance, by adopting political measures capable of preserving the stability of the polis. This would confirm that the excellence of the good ruler, although it cannot be completely displayed in a deviant constitution, is not dependent on the quality of the polis. Such a ruler might be a good man, and be allowed to exercise deliberative power in constitutions like oligarchies or democracies on the basis of his wealth or free status. The nature of the community would surely affect his government and limit his power to establish a suitable system of justice; nevertheless, were he a good ruler in possession of *phronēsis* and political science, he might work in an imperfect community by finding the best solutions towards its preservation.

Aristotle himself, when dealing with the issue of the preservation of political communities, provides some suggestions for making deviant constitutions safer. For instance, at *Pol.* V, 1308a31-5 he says that the good ruler only can avoid quarrels and seditions among the notables by means of a suitable legislation, since

«Ordinary men cannot see the beginning of troubles ahead; it requires the genuine statesman»<sup>54</sup>.

Again, a good ruler should be able to curb ambitions, and guarantee that no one be advanced by the state out of all proportion to others. With reference to both democracy and oligarchy, at *Pol.* V, 1308b11-19 he explains that

«it is a better policy to award small honours over a period of time than to give great honours rapidly [...] It is also good policy to aim at providing, by means of appropriate legislation, against the risk of any man gaining a position of superiority by the strength

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<sup>54</sup> Aristotle, *Pol.* V, 1308a33-5.

of his wealth or connexions. Failing that, men who gain such a position should be removed from it by being sent out of the country».

Other measures that contribute to the preservation of the polis, Aristotle suggests, are the introduction of a magistracy designed to supervise those who do not live in harmony with their polis and abide by different values, or to assign magistracies to opposite social groupings (e.g. the wealthy and the poor) so as to prevent the flourishing of a particular section<sup>55</sup>. All these prudential devices aim at preserving some proportional equality within the community. Still, as Aristotle himself recognizes, to promote stability in a democracy or in an oligarchy does not necessarily amount to making it respectively more democratic or oligarchic. As he says at *Pol.* VI, 1319b38-1320a5, once again with reference to the enquiry into the ways of preserving a polis,

«Legislators should [therefore] direct their attention to the causes which lead to the preservation and the destruction of constitutions-a theme which has already been treated-and on that basis they should devote their effort to the construction of stability. They must be on their guard against all the elements of destruction; they must leave their state with a body of laws, customary as well as enacted, which will include, above everything else, all the elements of preservation; *they must believe that the true policy, for democracy and oligarchy alike, is not one which ensures the greatest possible amount of either, but one which will ensure the longest possible life for both*»<sup>56</sup>.

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<sup>55</sup> See Aristotle, *Pol.* V, 1308b25-31.

<sup>56</sup> μὴ νομίζειν τοῦτ' εἶναι δημοτικὸν μηδ' ὀλιγαρχικὸν ὃ ποιήσει τὴν πόλιν ὅτι μάλιστα δημοκρατεῖσθαι ἢ ὀλιγαρχεῖσθαι.

In other words, a democratic or oligarchic measure will be a measure that contributes to the stability of the polis, rather than one which will make the community democratic or oligarchic in the highest degree. In my view, this consideration might suggest that the lawgiver, while enacting such a measure in a deviant community, will not absorb the character of the polis he rules, but he will only confine himself to avoiding dangerous conflicts in the polis. Given all this, it might be objected that the good ruler's duty to preserve his constitution will make him completely dependent on the quality of the city, just as it happens in the case of common citizens; still, it might be replied that, when Aristotle refers to the importance of preserving a constitution, the ruler's capacity to contribute to its safety is not due simply to obedience to the existing laws. A simple *orthē doxa* will not be sufficient to fulfil the lawgiver's task.

#### **9.4: Conclusions**

To sum up what has been said in this chapter, in the first section I tried to illustrate the distinction drawn by Aristotle at *Pol.* III, 1276b16-1277a16 between the *aretē* of the good man and the *aretē* of the good citizen; the difference, as we have seen, is introduced so as to provide an answer to the following question: can the excellence of the good citizen coincide with the excellence of the good man? I tried to show that Aristotle's insistence that the goodness of the citizen is relative to the quality of the polis where he holds office, whereas the goodness of the ruler relies on *phronēsis*, which is an absolute standard, suggests that wisdom of a good ruler will not depend on the constitution where he exercises deliberative power.

I have argued for my thesis by analysing Aristotle's discussion in relation to the ideal community, and I maintained that, in his view, all the citizens of the ideal community are good men, besides being good citizens; I suggested that, when Aristotle



says that in the ideal polis not all the citizens can be virtuous, this is only because there might be people who have not yet achieved full ethical excellence, e.g. in the case of young people, without this meaning that only the rulers possess excellence of character. Rather, in the best community every citizen seems to be entitled to rule, in virtue of his possession of ethical excellence and *phronēsis*; in other words, the only people who do not possess it in the ideal context are those who *are not yet agathoi* and *phronimoi*, but are on their way to learn how to become good men. This would show that, no matter what role a man holds in the ideal polis, it is only possession of ethical excellence that enables them to hold power.

In the second section of this chapter I tried to clarify what the *phronēsis* of the ruler consists in. Unlike in Book VI of the *Nicomachean Ethics*, where the issue of deliberation is treated only with reference to the ideal constitution, in Book IV of the *Politics* Aristotle seems to suggest that those who possess political science should know how to deliberate both in the best constitution and in communities whose particular conditions may affect the ruler's display of complete excellence of character; in that case, the *phronēsis* of the good ruler would enable him to actualise goodness and justice even in an imperfect community, as far as conditions allow it.

With reference to the idea of *phronēsis* as an absolute standard of goodness, I took up the view that the good ruler is not affected by the quality of the polis in the same way as the common citizen is. As a matter of fact, a deviant constitution will put serious constraints on his work, even more because the task of a good lawgiver is not normally to set up a constitution *ex novo*, but to preserve the constitution in force; in this respect, the work of the ruler will undeniably be influenced by the aims pursued by the constitution where he exercises deliberative power. Still, his capacity to preserve his community is not of the same kind as that of common citizens, who have only an *orthē doxa*, if they have *that*, in an imperfect constitution, and not authentic *phronēsis*.

The general aim of this chapter is to show that *phronēsis* does not depend on the quality of the constitution under which its possessor lives, and allows a good ruler both to preserve the justice in force in any polis and to promote reforms with a view to its safety. In the case of right constitutions, he will make laws not only with a view to the preservation of the common interest, but also in view of improvements in the community in terms of good and justice; in the case of deviant constitutions, the *phronēsis* of the good ruler will enable him to deliberate well on how preservation of such constitutions is possible.

The idea of a ruler who is good both in absolute terms and in relation to imperfect constitutions paves the way for the idea that exercise of *phronēsis* can be made compatible to some degree even with values like wealth and free status, and that forms of government like oligarchies and democracies can contain some justice and can be run with a view to the common interest, although they cannot be regarded as right forms of government.

## Chapter X:

### **Wisdom in An Imperfect Community. Polity and the Power of the Many.**

#### ***10.1: Introduction***

In the last chapter I tried to explain how a *phronimos* individual in the ideal sense may be involved in the ruling of an imperfect political community, even when the values conveyed by it are different from ethical excellence. However, the picture of a virtuous man in action in a non-virtuous polis raises considerable difficulties. The first is connected to the idea that the task of a good ruler is to preserve the *status quo* of the community in which he lives; in order to guarantee the maintenance of the constitution, a good lawgiver will act with a view to its stability by finding the means towards the promotion of the common interest. If so, how can we think of a good lawgiver as ruling in a deviant constitution without changing it, and still think that he is good?

A further difficulty lies in the scarce possibilities of having a substantial number of outstandingly virtuous men in a deviant constitution, where the education of citizens to ethical excellence is not regarded as an aim to pursue. Should a man of perfect excellence exist in a corrupt polis and hold power, his *phronēsis*, probably, would not be sufficient for the establishment of any degree of stability in the city, especially if the constitution is governed by more than a few people and not all of them are equipped with excellence of character.

The difficulties I have just introduced might raise the following question: is there any non-ideal constitution in which

- 1) *phronēsis* can be displayed on the lawgiver's part without his being at odds with the nature of the constitution to be preserved?
- 2) justice and the common interest can be pursued even if not all the rulers possess complete excellence of character?

I believe that, in the context of Aristotle's thought, such a constitution is realisable, and furthermore it can be identified with *polity*. In this chapter I will try to highlight the anomalous character of a constitution which, although taken as one of the three right constitutions, stems from two kinds of deviant constitution, i.e. democracy and oligarchy; a constitution in which those who share in political power are not necessarily good from an ethical point of view and, nevertheless, manage to create the conditions for a good political community.

In the *Politics*, Aristotle provides us with various clues for an understanding of the nature of polity<sup>1</sup>; in Book III it is described as the right counterpart of democracy<sup>2</sup>, as a form of rule by the *plethos*<sup>3</sup> and, all the same, a constitution whose sovereignty is held by those who possess arms<sup>4</sup>, whereas in Book IV it seems to be treated in close relation to the power of the middle class, i.e. an intermediate class between the rich, who are in power in oligarchies, and the poor, in power in democracies<sup>5</sup>. But, above all, polity is a right kind of constitution, whose rulers aim at the common interest, although their excellence is not the complete excellence of character which makes aristocracies and monarchies good.

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<sup>1</sup> See G. Huxley, 1985, pp. 142-3; Cf. H. Kelsen, 1977, pp. 188-91.

<sup>2</sup> See Aristotle, *Pol.* III, 1279b6, where democracy is described as a deviation from polity.

<sup>3</sup> See Aristotle, *Pol.* III, 1279a37-9.

<sup>4</sup> See Aristotle, *Pol.* III, 1279b2-4.

<sup>5</sup> See Aristotle, *Pol.* IV, 1290b17-20.

The aim of this chapter is to collect these pieces of information and try to re-construct the Aristotelian idea of polity as a right constitution on the basis of the evidence available to us. My suggestion is that, in Aristotle's view, a kind of polity verging towards aristocracy is the best kind of constitution for the majority of the existing communities. In order to argue for my thesis, I will analyse the polity from the point of view of the wise lawgiver who operates in non-ideal conditions; I suggest that his task consists in allotting power to the middle class and in preventing political factions from acquiring excessive power, so as to foster the advantage of all the members of the political association and not exclusively of single factions.

In the first section of this chapter I will try to make sense of the notion of military excellence introduced by Aristotle in his account of polity. I propose that excellence in the military field is not the specific kind of virtue employed by the *plethos* in the ruling of a polity; rather, it might offer the social and economical conditions enabling individuals to take part in political activity and, above all, it might contribute in some way to the development of a concern for the interest of the community. But polity, rather than being the outcome of the activity of the military class, seems to be most of all the result of the activity of a wise lawgiver who aims at promoting the common interest. I will suggest that, besides its resemblance to democracy, polity might in some cases be regarded as very close to aristocracy thanks to the intervention of a *phronimos* ruler.

In the second section I will then go on to speak of the contribution offered by the middle class to the stability of the community, from the point of view of a wise lawgiver who employs them in the actualisation of political friendship. My idea is that the kind of political friendship subsisting in a polity—in the way in which a wise lawgiver would foster it—might contribute to making the constitution right, i.e. oriented towards the common interest; were different social classes in conflict with each other,

the excellence of a good ruler *per se* would not be sufficient for the establishment of some degree of goodness in the polis. The kind of justice from which such a friendship would come about might not be so much the outcome of a virtuous disposition of character on the citizens' part as the result of mere avoidance of *pleonexia*; justice as equality, rather than justice as the whole of ethical excellence, seems to be the kind of justice proper to the members of the middle class. Still, notwithstanding the imperfect character of such a kind of justice, the resulting political friendship might be the best kind applicable to the majority of existing states.

### ***10.2: Military Excellence and the Lawgiver's Wisdom: Their Function in the Polity***

Among the forms of government-right and deviant-described in the *Politics*, polity seems to be a kind of constitution about which Aristotle seems to display a particular concern<sup>6</sup>. It is first introduced in Book II, where he engages in an investigation of the best kind of political community through an enquiry into both existing constitutions and constitutions propounded by famous thinkers<sup>7</sup>. At *Pol.* II, 1265b26-9, with reference to the best political constitution drawn by Plato in the *Laws*, Aristotle says that the best constitution in Plato's view is neither a democracy nor an oligarchy, but rather an intermediate form between them, which is called a polity, where the government is constituted from the class that bears arms. His comment on the Platonic ideal constitution is the following:

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<sup>6</sup> See R.G. Mulgan, 1977, p. 76-7. As he points out at p. 77, polity «is a constitution which has rarely if ever existed in its true form and is an abstract ideal which serves as a standard for the deviant forms of oligarchy and democracy. He does, however, describe the constitutions of certain cities as polities, on the grounds, presumably, that they are sufficiently close to the ideal polity to deserve the name».

<sup>7</sup> See Aristotle, *Pol.* II, 1260b27-36.

«If Plato's view in constructing this constitution is that it represents the form which is most readily attainable by most states, he may very well be right; but if he regards it as the form which comes next in merit to his first, or ideal, form of constitution [i.e. that in the *Republic*], he is mistaken: one might commend more highly the constitution of Sparta, or some other form of a more aristocratic character [than that depicted in the *Laws*]]<sup>8</sup>.

Two relevant points can be drawn from this passage. The first is that such a constitution may be understood as the form of government suited to most states and the most readily realisable; the second is that—in Aristotle's view—it seems to be far from the virtue which is typical of an aristocracy, since a constitution should be run according to ethical excellence in order to be really the best. In this respect, polity, although included among the constitutions aiming at the common interest of their citizens, seems to diverge from the pattern of monarchy and aristocracy, whose rulers are held to be men of outstanding virtue.

These points will be developed by Aristotle in Books III-VI of the *Politics*. In the *Politics*, the idea of polity as a right constitution is introduced for the first time in Book III, where Aristotle says that, like the other right constitutions, it aims at the common interest and not merely at the advantage of single parts of the community. In the same context, he highlights his idea that the virtue which characterizes the rulers of a polity cannot be the same complete excellence of character as that proper to outstanding men; since a *plethos*, not just a few individuals, is in power, it seems unlikely to suppose that all of them are ethically good men. At *Pol.* III, 1279a37-b4 he says:

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<sup>8</sup> Aristotle, *Pol.* II, 1265b29-33.

«when the masses govern the state with a view to the common interest, the name used for this species is the generic name common to all constitutions (or polities)-the name of ‘Polity’. There is a good reason for the usage. It is possible for one man, or a few, to be of outstanding excellence: but when it comes to a large number, we can hardly expect a fine edge of all the varieties of excellence. What we can expect particularly is the military kind of excellence, which is the kind that shows itself in a mass. This is the reason why the defence forces are the most sovereign body under this constitution, and those who possess arms are the persons who enjoy constitutional rights».

That military excellence is the kind of merit proper to a *plethos* seems to be confirmed at *Pol.* III, 1288a10-15, where Aristotle says that

«The society appropriate to government of the constitutional type [i.e. the polity] is one in which there naturally exist a body of persons possessing military capacity<sup>9</sup>, who can rule and be ruled under a system of law which distributes offices among the wealthy in proportion to merit».

A problem in this passage is that offices are distributed among *the wealthy* in proportion to *axia*. That the wealthy are those eligible for political activity makes the polity close to oligarchy, and, we may suppose, even to aristocracy, where the people in power belong to noble and rich families; that in a polity the rulers are appointed on the

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<sup>9</sup> A textual problem might be identified in regard to the adjective *polemikón*; Ross, unlike Barker, Newman, Tricot, Gigon *et al.*, reads *politikón* instead of *polemikón*; I accept the reading and translation proposed by the latter group of scholars, which seems to take up the concept of military excellence introduced at *Pol.* III, 1279a37-b5; moreover, *polemikón*, as referring to a virtue of the *plethos*, seems to me to be more appropriate than *politikón*, which would refer to a supposed political skill of the masses; but the concept of political ability is mainly employed by Aristotle with reference to wise lawgivers, and not in relation to a *plethos*.



basis of some kind of *axia* suggests that, as in aristocracy, some merit is required. Still, I am not sure what kind of merit is in question. Is Aristotle talking of merit in military activity? We may immediately exclude that it corresponds to complete ethical *aretē*, since, when he speaks of constitutions in which the rulers are outstanding men, he makes reference to monarchy and aristocracy but not to polity. For instance, at *Pol.* III, 1288a15-9, he says:

«When it happens that the whole of a family, or even a single person, is of merit<sup>10</sup> so outstanding as to surpass that of all the rest, it is only just that this family should be vested with kingship and absolute sovereignty, or that this single person should become king».

As we can see, Aristotle here refers to a family or a single person of outstanding excellence, but he does not mention a *plethos* or a group of people bigger than a single family. Another piece of evidence is at *Pol.* III, 1288a32-b3, where he says that, among the three types of right constitution, the best must be the one administered by the best people, which is the type in which the rulers, as well as the ruled, contribute to the most desirable kind of life:

«It clearly follows just the same method, and just the same means, by which a man achieves goodness, should also be used to achieve the creation of a state *on the pattern of aristocracy or kingship*<sup>11</sup> [i.e. on a pattern which makes the goodness of the good citizen coincide with that of the good man]; and thus the training and habits of action

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<sup>10</sup> κατ' ἀρετήν.

<sup>11</sup> φανερόν ὅτι τὸν αὐτὸν τρόπον καὶ διὰ τῶν αὐτῶν ἀνὴρ τε γίνεται σπουδαῖος καὶ πόλιν συστήσειεν ἂν τις ἀριστοκρατουμένην ἢ βασιλευομένην.

which make a good man will be generally the same as the training and habits of action which make a good statesman or a good king»<sup>12</sup>.

Here again Aristotle makes no reference to polity, but he identifies virtuous people with the rulers and the ruled of an aristocracy or of a kingship.

Polity is a constitution in which the power is entrusted to a wider number of people than in the monarchy or in the aristocracy; it is this plurality that has the deliberative power over the most important issues in the polis, and they are a mass who acts with a view to the common interest. Again, by using the expression *kat'axian* with reference to the rulers of a polity, Aristotle seems to distinguish the kind of merit required by the polity from the merit according to which power is accorded to people in monarchies or aristocracies. For the latter kinds of constitution, Aristotle adopts the phrase *kat'aretēn*<sup>13</sup>.

So, having excluded that Aristotle confers the same value on monarchy-aristocracy and polity<sup>14</sup>, it might seem that the kind of excellence involved in the ruling of a polity is military excellence<sup>15</sup>; as we have seen before, he points out that it consists of a particular sort of *aretē*, although different from the complete ethical *aretē* of the best constitutions. On the other hand, it might be objected that, in order to run a city, worth in battle or capacity to lead an army is not sufficient; strategic skills in the military field is not of the same kind as the Aristotelian political *phronēsis*, which

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<sup>12</sup> Aristotle, *Pol.* III, 1288a39-b2.

<sup>13</sup> See Aristotle, *Pol.* III, 1288a8-12: «βασιλευτὸν μὲν οὖν τὸ τοιοῦτόν ἐστι πλῆθος δὲ πέφυκε φέρειν γένος ὑπερέχον κατ'ἀρετὴν πρὸς ἡγεμονίαν πολιτικὴν, ἀριστοκρατικὸν δὲ δὲ πέφυκε φέρειν πλῆθος ἀρχεσθαι δυνάμενον τὴν τῶν ἐλευθέρων ἀρχὴν ὑπὸ τῶν κατ'ἀρετὴν ἡγεμονικῶν πρὸς πολιτικὴν ἀρχήν». W.T. Bluhm, 1962, p. 751.

<sup>14</sup> For a different view see W.T. Bluhm, 1962, p. 751. Bluhm claims that the alleged superiority of monarchy and aristocracy should not be taken seriously.

<sup>15</sup> See H. Kelsen, 1977, p. 188.

presupposes complete excellence of character; for instance, we cannot think of the political expedients devised by a good lawgiver as being of the same nature as the tactics of generals.

Moreover, that a *plethos* and not just a few men are admitted to the ruling of a state by virtue of their military excellence may suggest that by 'military excellence' Aristotle is not referring exclusively to excellence in the highest military positions, which is not proper to a mass but just to some individuals. In that case, people possessing military excellence in general might lack strategic understanding, even in the military sphere; therefore, it seems to me that military excellence employed in the political field does not necessarily entail the possession of an outstanding strategic ability.

Given all this, that Aristotle mentions military excellence as the excellence proper to the *plethos* in charge of a polity does not necessarily mean that it is such an excellence what makes the polity good. If so, why does Aristotle introduce military excellence? What is its role in the ruling of a polity? It seems to me that, unlike the excellence employed by aristocrats or by a king in the ruling activity, military excellence might simply be an accidental element in the process of acquisition of political power, and not the specific excellence employed in the rule of the polis. It is true that in *Pol.* IV, 1291a10ff. Aristotle, when criticizing Plato for confining the power of the military class to matters of war, insists on the political relevance of such a class by associating it to the classes that play a role in deliberative and judicial justice; these classes, he suggests, are superior to the classes which contribute to the necessities of life, just as the soul has a position of superiority in relation to the body<sup>16</sup>.

However, it seems to me that the participation of the military class in political life is due not to a supposed political intelligence; some historical conditions might have

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<sup>16</sup> See Aristotle, *Pol.* IV, 1291a24-8.

encouraged its acquisition of political power and made it impossible to prevent its members from having a share in political activity. For instance, at *Pol.* IV, 1297b16-24, Aristotle says that the earliest form of constitution among the Greeks after kingship was made up of those who were soldiers; in the original form cavalry was predominant, but when those who wore heavy armour became stronger, more persons claimed participation in political affairs. An example of the power of such class is given in the previous lines, i.e. at *Pol.* IV, 1297b14-16, where Aristotle speaks of the citizen-body of Malea, composed by people who served or were serving as heavy-armed soldiers.

Furthermore, the importance accorded by Aristotle to those having military excellence may also be of a socio-economical kind<sup>17</sup>. People who possess arms and take part in military activities seem to belong to the middle class, i.e. the class which—as I will show in the next section of this chapter—Aristotle thinks capable of providing a great contribution to the well-being of the community, although it is not composed of excellent individuals. Not even in that case would military excellence be employed in the exercise of deliberative power or in the administration of justice; once again, it would turn out to be an accidental element and not the excellence exercised in political activity.

However, besides these factors, it seems to me that the main reason why Aristotle would insist on military excellence as a quality of the rulers of a polity is not of a historical or an economical nature. People equipped with military expertise, if they hold political power, might develop a strong concern for the state, in the same way in which they might have developed a spirit of cooperation in the military association; experience in a military community might raise the awareness of the one's role and responsibilities in any kind of association, even the political one, and favour the

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<sup>17</sup> See H. Kelsen, 1977, p. 188. Kelsen stresses the contribution provided by the notion of 'property qualification' towards a fuller understanding of the nature of polity. Cf. W. Oncken, 1875, p. 272.

preservation of the association through mutual cooperation. Furthermore, the justice underlying a military organization and the kind of friendship which might spring from team-work might help them to abide more easily by the established rules, and also to operate together with a view to a shared aim.

Friendship among comrades, better than mere justice as passive obedience to the prescriptions given by military leaders, seems to promote concern for one's fellows and develop shared values such as loyalty to the association, mutual support and responsibility for the safety of the community, i.e. values which are also at the basis of Aristotle's ideal polis. Given the smaller size of the military association with respect to the political, it seems that the members of the former will have the opportunity to know each other and to develop more intimate relationships than the citizens belonging to the same polis; furthermore, it seems that they will realise more rapidly the risks for safety of the community entailed by inner conflict. But if such people achieve political power, they will probably put their experience at service of the political community, by insisting on the values of cooperation between the rulers and the ruled, and on the need for a convergence of aims with a view to public order and stability.

Again, it seems that military excellence is connected in some way with Aristotle's search for a constitution suited to the majority of the states and provided with at least some degree of ethical excellence; courage, i.e. the disposition of character which seems to be the most necessary to the members of the military association, is stressed in Book V of the *Nicomachean Ethics* as an excellence of character included in the idea of universal justice, and it is introduced by Aristotle as an example of justice as *alotrion agathon*, i.e. as a good in relation to other people. As we have already seen (cf. chapter 4 of this thesis), at *NE* V, 1129b19-21 courage is described as the excellence whose possession will prevent comrades from abandoning their position in the military association; such an account of courage might in a way stress the

importance of cooperation needed in any form of collective organization; the same cooperation, I suggest, is needed in a political community between fellow citizens to the establishment of justice as an *allotrion agathon*.

In this respect, as I think, we might speak of the contribution that military excellence might make towards the running of a political community. Experience in a military association might develop the same values of political friendship and organization suited to a good political community, and the excellence required is one of the excellence needed to live a life, both in the private and in the public sphere. At the same time, military excellence does not necessarily presuppose the complete ethical excellence proper to virtuous statesmen. Given that the group of people in power in such a constitution is a *plethos*, and no complete excellence of character is required of them for being accepted in the chief political positions, a polity might be regarded as similar to a democratic form of government, as Aristotle on more than one occasion acknowledges<sup>18</sup>, rather than to a right constitution.

Military excellence might be proper to people lacking political vision, i.e. people who might be incapable of deliberating in political affairs with a view to the common interest, although experience in a military association may develop virtuous habits like obedience to the rulers and cooperation in political activity. My idea is that, in a good polity, the merit according to which the ruling activity is exercised is not the military virtue of the *plethos*, but the virtue of outstanding men who may belong to it, that is, men of authentic *phronēsis* capable of directing the class of people possessing arms toward goodness and justice in the polis. In the next section I will try to examine the different contributions provided by both excellent lawgivers and common people in the attainment of a polity which approaches the aristocratic form of government. My view is that a good polity can be realised not only on the basis of citizens of good quality, but

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<sup>18</sup> See Aristotle, *Pol.* IV, 1290a17-18; IV, 1293b35; V, 1302a13-15; V, 1307a15-17.

also and especially through political measures which can be devised only by virtuous lawgivers. Such lawgivers cannot construct a constitution *ex novo*, but they need to operate on existing conditions and improve them.

As I have said so far, concern for the common interest on the rulers' part is what makes a polity right; moreover, it seems that the common interest is the aspect Aristotle wants to emphasize when he insists on military excellence as the excellence proper to the rulers of such a constitution. In other words, his thought is that those who possess military experience should have developed a sense of friendship and of cooperation towards shared goals. In this respect, we have seen, a polity might be seen as a right constitution. But Polity is commonly thought of as being a constitution resulting from some sort of combination of oligarchy and democracy, i.e. constitutions which *per se* are held to be bad. Both oligarchy and democracy, as we have already seen, are constitutions which do not aim at the common interest. In *Pol.* III 1279b4-6 they are regarded, together with tyranny, as constitutions resulting from deviations of the right forms of government, i.e. aristocracy, polity and kingship; as Aristotle explains, tyranny is a monarchy which pursues the exclusive interest of the single ruler, whereas oligarchy aims at the interest of the rich and democracy at that of the poor<sup>19</sup>.

As he points out at *Pol.* IV, 1290a30-b3, it is not the number of people in power which shapes the kind of constitution; a democracy will be a constitution in which the free men are sovereign rather than some unspecified few individuals, whereas an oligarchy will be the a constitution ruled by the rich. We may also say that the values pursued by them will affect the values in force in the polis they rule. In any kind of extreme democracy, the poor are in possession of deliberative power, and they will try to pursue their own interest, presumably at the expense of the rich. In the same way, in oligarchies the rich will try to attain their private interests and augment their wealth,

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<sup>19</sup> See Aristotle, *Pol.* III, 1279b6-10

maybe by increasing the wealth of the state they govern, but maybe at the expenses of the poorest classes.

It is evident that such constitutions are liable to recriminations by opposing factions, and their stability is seriously compromised. When it comes to the polity, which is said to be a constitution made up of both oligarchic and democratic elements, we might think of it as a deeply corrupt constitution<sup>20</sup>. But, on the face of it, Aristotle describes the polity as a kind of constitution whose democratic and oligarchic features are not negative *per se*, or leading to the interest of a restricted part of the community; and surely this is what we might expect, if the interests of the few and the many are balanced<sup>21</sup>.

That Aristotle engages in the discussion of the polity only after having described democracy and oligarchy suggests that such a constitution cannot be understood without knowing what democracy and oligarchy are<sup>22</sup>; again, that before describing these constitutions he dwells on the importance of socio-economical factors for the establishment of a constitution, like the existence of rich and poor classes<sup>23</sup>, might indicate that polity can be understood fully by reference to the way in which these classes are combined in the constitution.

At *Pol.* IV, 1294a22-3, Aristotle tells us that the polity is a kind of constitution which attempts to combine the rich and the poor, presumably with a view to the common interest, to be achieved through the realisation of a balance capable of preventing one class to predominate at the expenses of the other. My view is that such a

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<sup>20</sup> See H. Kelsen, 1977, p. 189. Kelsen's view is that, generally, in such a mixed constitution, the democratic character is predominant.

<sup>21</sup> On the idea of polity as the successful outcome of a mixture between two deviant constitutions see C.J. Rowe, 2000, pp. 378-84.

<sup>22</sup> See Aristotle, *Pol.* IV, 1293b32-4.

<sup>23</sup> See Aristotle, *Pol.* IV, 1289b27-40.



balance is not realised by the many with their military excellence, but, rather, by a wise ruler who aims at producing a good constitution out of existing political conditions.

Given that people equipped with military excellence do not necessarily possess complete ethical excellence, it seems that their virtue will not be the same as that of aristocratic rulers.

But at *Pol.* IV, 1294a24-5 polity is described in the light of the aristocratic constitution, which blends three different factors: freedom, wealth and virtue. It is true, as Aristotle explains, that some kinds of polity are embellished with the higher title of ‘aristocracies’, only insofar as they incline more towards oligarchy, whereas in ‘real’ aristocracies the distribution of political offices is made according to *aretē*<sup>24</sup> and not exclusively according to wealth, which is the criterion according to which oligarchies are instituted; however, Aristotle’s warning not to confuse polity with aristocracy does not prevent him from saying that

«ὅτι οὐ πόρρω αὐταὶ [αἱ τ’ ἀριστοκρατίαι καὶ αἱ πολιτεῖαι] ἀλλήλων, φανερόν»,

i.e.

«aristocracies and ‘polities’ are not far removed from one another»<sup>25</sup>.

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<sup>24</sup> See Aristotle, *Pol.* IV, 1294a9-10.

<sup>25</sup> See Aristotle, *Pol.* IV, 1294a28-9. See R. Weil, 1977, p. 206. Weil points out that in Book III of the *Politics*, from 1286b8 onwards, polity appears as a constitution akin to aristocracy. See also C.J. Rowe, 2000, p. 384.

Polity is not far from aristocracy when it manages to balance the weight of the rich and of the poor/free; the ideal balance is expressed at *Pol.* IV, 1294b14-16, where Aristotle says that

«τοῦ δ' εὖ μεμῖχθαι δημοκρατίαν καὶ ὀλιγαρχίαν ὅρος ὅταν ἐνδέχῃται λέγειν τὴν αὐτὴν πολιτείαν δημοκρατίαν καὶ ὀλιγαρχίαν»,

i.e.

«a good criterion of a proper mixture of democracy and oligarchy that a mixed constitution should be able to be described indifferently as either».

The mixture of democracy and oligarchy would not seem to stem from the initiative of one of the two groups, who in democracies and oligarchies show themselves as prone to pursue their exclusive class-interest; rather, such a 'compromise' seems to be the outcome of a lawgiver or more lawgivers *super partes*, whose aim is to establish the common interest in the community and not to favour a restricted group of people at the expense of the others, which would be a source of instability<sup>26</sup>. In other words, this would be the task of a person possessing political, not military, wisdom.

As we have already seen, in Book IV, where the tasks proper to the man of political science are introduced, Aristotle explains that such a man will possess

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<sup>26</sup> For a different suggestion see S.R.L. Clark, 1975, pp. 104-5. At p. 105 Clark says that polity can arise «only where there is a middle class large enough to prevent the domination of the state by great individuals or by mob rule (*Pol.* IV, 1296a23f.). This does not mean that the best state is one ruled exclusively by the middle classes: rather that where the middle class, generally the most inclined to obey the *logos* (*Pol.* IV, 1295b5f.), is strong enough it can compel rich and poor alike to live in harmony, can adopt institutions which combine elements from the self-interest of both opposing groups (*Pol.* IV, 1294a35f., 1297a38f.)».

knowledge not only about the best constitution in absolute terms, but also about the constitution most suited to each state and to the majority of the states<sup>27</sup>. As he will come across existing political conditions, his task will be not so much to frame a constitution from the beginning as to reform an existing one<sup>28</sup>. When Aristotle speaks of the possessors of political science, he might be referring both to persons who are merely interested in reflecting on political issues and to lawgivers who are or would like to be actively involved in political life; I think that the latter kind of people are the ones which he is addressing in particular.

I propose that the description of polity is particularly useful to showing how a good lawgiver should operate in order to produce a good constitution out of existing political conditions. In that case, the polity might be the constitution resulting from an activity of transformation of oligarchies or democracies undertaken by a hypothetical wise lawgiver. His excellence might be the one which makes a polity similar to an aristocracy. Should the polity be considered exclusively in terms of rule by the many, no similarity would be found between aristocracy and polity. It seems that some kind of political *phronēsis* is involved in the ruling of a constitution, i.e. a kind of *phronēsis* not possessed by the multitude.

From *Pol.* IV, 1294a35 on, Aristotle proceeds to illustrate possible ways of establishing a mixture between democracy and oligarchy in view of the creation of a polity. Oligarchies are modified through the introduction of democratic features, democracies by means of some measures of an oligarchical nature. As Aristotle says, there are three different principles on which men may determine a well-balanced mixture of oligarchy and democracy. The first is to adopt both democratic and oligarchical rules. For instance, with regard to the rules for sitting in the law courts, in

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<sup>27</sup> See Aristotle, *Pol.* IV, 1288b22-37.

<sup>28</sup> See Aristotle, *Pol.* IV, 1289a3-7.

oligarchies fines are instituted for the rich if they do not sit in the courts, but the poor do not receive any pay for taking part in the administration of justice; by contrast, in democracies the poor are paid for sitting, and the rich are not fined if they do not sit. One might combine both of these rules by using a common or middle term between either, and in this respect such a method would be characteristic of a 'polity'<sup>29</sup>.

A second possible way of combining the prescriptions of both constitutions is to take a mean between the two different rules. Democracies, for instance, require no property qualification at all or a small one for attendance at the assembly; by contrast, oligarchies require a high qualification. In that case, a good lawgiver might find a mean between the two, and grant membership of the assembly on the basis of a middle property-qualification<sup>30</sup>. As we will see later, this measure will favour the middle class, i.e. a significant class in the establishment of a stable polity.

The third way of combination is to combine elements from both constitutions, and to take some features from oligarchical rule and others from democratic. With regard to the third way of mixture, Aristotle stresses that it is appropriate to a polity as well as to an aristocracy. At *Pol.* IV, 1294b7-12 he says:

«In the appointment of magistrates, for example, the use of the lot is regarded as democratic, and the use of the vote as oligarchical. Again, it is considered to be democratic that a property qualification should not be required, and oligarchical that it should be. Here, accordingly, *the mode appropriate to an aristocracy or a 'polity'* is to take one element from one form of constitution and another from the other—that is to say, to take from oligarchy the ruler that magistrates should be appointed by vote, and from democracy the rule that no property qualification should be required».

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<sup>29</sup> See Aristotle, *Pol.* IV, 1294a35-b1.

<sup>30</sup> See Aristotle, *Pol.* IV, 1294b2-6.

If so, a good polity can be made similar to an aristocracy thanks to a wise set of measures established by the lawgivers with a view to a long-lasting stability in the polis. This might find a confirmation in Book V of the *Politics*, in which Aristotle debates the causes of change of constitutions and some possible ways in which these can be preserved; in this context, polities and aristocracies are associated as kinds of constitutions which can be easily corrupted after a deviation from the concept of justice established by them<sup>31</sup>. Deviations from such correct constitutions take place when democracy and oligarchy are not well-blended, i.e. when oligarchies and democracies are not mixed with ethical *aretē*, as Aristotle says at *Pol.* V, 1307a7-12:

«The actual downfall of aristocracies, and also of ‘polities’, is chiefly due to some deviation from justice in the constitution itself. In either case the origin of the downfall is a failure to combine different elements properly. In ‘polities’ the elements are democracy and oligarchy: in aristocracies they are both of these and the further element of merit; but even in the latter the real difficulty is that of combining the first two elements, which are the only elements that most of the so-called aristocracies (as well as ‘polities’) actually attempt to combine».

But, in Aristotle’s view, polity seems in some respect to be even better than aristocracy. When it comes to the difference between aristocracies and polities, we might expect that it is just the absence of ethical *aretē* in the mixture of democratic and oligarchical elements that makes a polity different from an aristocracy; as we have seen in the previous section, rule according to ethical *aretē* seems to be an exclusive prerogative of constitutions like monarchy and aristocracy. However, this does not seem to reflect Aristotle’s thought; the real difference, as he says at *Pol.* V, 1307a12-

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<sup>31</sup> See Aristotle, *Pol.* V, 1307a7-8.

20, is that the constitutions inclining more towards oligarchy, i.e. those which are usually called 'aristocracies', are *less* stable than those in which the most numerous group is stronger, for instance in polities inclining towards democracy.

This might suggest that in some cases, the polity can be better than an aristocracy with specific regard to its stability. In particular, at *Pol.* V, 1307a17-27 he says that the greater number is usually the stronger, and men are more satisfied when they possess an equal amount, whereas the owners of wealth, in case they are given political power, seek to behave insolently and to gain money. In particular, among the measures that a lawgiver should adopt in order to preserve a constitution, an important one is not to raise any citizen too much beyond due proportion, but rather to try to assign small honours of long tenure, since not every man can bear a good fortune without getting corrupted by it<sup>32</sup>.

All these suggestions show that a degree of proportional equality is to be established among the citizens in order to prevent one part from dominating the other and undermining the common advantage. The political measures cited above seem to relate to an activity of correction or prevention of extreme political conditions, which might be proper both to aristocracies and polities; nevertheless, at *Pol.* IV, 1293b1-7 Aristotle is clear in saying that the real aristocracy is the constitution which has been treated in Book III:

«The only constitution which can with strict justice be called an aristocracy is one where the members are not merely 'good' in relation to some standard or other, but are absolutely 'the best' in point of moral quality<sup>33</sup>. Only in such a constitution can the

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<sup>32</sup> See Aristotle, *Pol.* V, 1308b11-5.

<sup>33</sup> ἀπλῶς κατ' ἀρετήν.

good man and the good citizen be absolutely identified; in all others goodness is only goodness relatively to the particular constitution and its particular standard».

On the other side, as he admits at *Pol.* IV, 1293b7-12,

«there are some further forms of constitution, which differ enough both from oligarchies and from the so-called ‘polity’ to be also called aristocracies [even though they do not attain the true standard of aristocracy.] This is the case when elections to office are based not only on wealth but also on moral desert<sup>34</sup>. Constitutions of this type differ from both of the forms just mentioned [i.e. oligarchy and ‘polity’]; and they thus come to be called aristocracies».

As we can see, Aristotle distinguishes this kind of constitution from polity (as well as from oligarchy), apparently because ethical *aretē* is an important element in the process of electing magistrates and the highest offices; but it seems to me that such a kind of constitution is very close to polity, and, maybe, be even regarded as a polity of higher, aristocratic kind. As a polity, ethical excellence does not seem to be infused in the citizens, but, just as in a polity where it is not possible to distinguish the oligarchical from the democratic element, the weight of different political classes is balanced through the activity of expert lawgivers.

As Aristotle goes on at *Pol.* IV, 1293b12-14,

«even in states which do not make the encouragement of goodness a matter of public policy, there may still be found individuals who are of good repute and esteemed to be of high quality».

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<sup>34</sup> ὅπου γε μὴ μόνον πλουτίτην ἀλλὰ καὶ ἀριστίτην αἰροῦνται τὰς ἀρχάς.

He might be referring to individuals capable of leading the constitution towards a good mixture of different classes and their power without caring particularly for the ethical education of the citizens, in a polity as well as in this particular kind of 'aristocracy'. Examples of the latter constitution are offered by Aristotle at *Pol.* IV, 1293b15ff.: the Carthaginian constitution, for example, pays regard to all the three factors involved in an aristocracy, i.e. wealth, goodness and numbers, whereas the Spartan pays regard only to goodness and numbers, and it is based on a mixture of the democratic and the aristocratic principle<sup>35</sup>. These two kinds of constitution, as Aristotle says, can be taken as forms of aristocracy in addition to the 'real' aristocracy, i.e. the best one.

When Aristotle engages in his attempt to find out the best kind of constitution suitable to the majority of states, the form of government he hopes to find is a form of polity approaching an aristocracy rather than a democracy. That is what-in my view-is suggested at *Pol.* IV, 1289b15-17:

«we must [also] examine whether, besides this general type, there is any other constitution to be found, *of a more aristocratic and well-constructed character but suitable*, none the less, for adoption in most states».

Later on, at *Pol.* IV, 1295a31-5, after putting forward his willingness to investigate the most suitable constitution for the majority of states, he will claim:

«The 'aristocracies', so called, of which we have just been treating, [will not serve us for this purpose: they] either lie, at one extreme, beyond the reach of most states, or they approach, at the other, so closely to the constitution called 'polity' that they need not be considered separately and must be treated as identical with it».

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<sup>35</sup> See Aristotle, *Pol.* IV, 1293b17-9.



Once we have ascertained that polity, at its best level, can be taken as a form of aristocracy, it seems to me that, when Aristotle describes polity as the ruling of people equipped with military excellence, it is not this kind of *aretē* which makes it a constitution of aristocratic kind, but the *aretē* of the wise lawgiver which manages both to balance the oligarchical and the democratic elements of the *polis* and to correct a deviant constitution if one class overpowers the others.

I believe that military excellence is a kind of merit which enables the members of the middle class to have access to political offices, but it is not sufficient to realise such a mixture. Rather, such people will take part in the ruling activity under the guide of a wise lawgiver, or, alternatively, by obeying the principles of the constitution established by him. The polity has been analysed so far as concerns the outcome of the activity of an hypothetical wise lawgiver, but a problem is still left unsolved: what is the power of the *plethos* in the ruling of the polity? In the next section of this chapter I am going to analyse the contribution provided by the mass to polity and its supposed deliberative power.

### ***10.3: The Power of the Middle Class: its Contribution to Political Friendship***

In Book IV of the *Politics*, Aristotle engages in a description of the constitution which might be regarded as the best relative to existing circumstances for the majority of states, i.e. a constitution in which persons do not possess outstanding virtue in the way that, for instance the rulers of an aristocracy or of a monarchy do<sup>36</sup>. He does not give a

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<sup>36</sup> See Aristotle, *Pol.* IV, 1295a25-31: «We have now to consider what is the best constitution and the best way of life for the *majority* of states and men. In doing so we shall not employ, [for the purpose of measuring ‘the best’], a standard of excellence above the reach of ordinary men, or a standard of education requiring exceptional endowments and equipment, or the standard of a constitution which

specific name to this sort of constitution, but, rather, he confines himself to illustrating some conditions which might be easily realisable by most states. However, he seems to have a form of polity in mind when, in this context, he questions himself over the constitution most suited to the majority of states and of men, not in relation to a superior excellence.

Aristotle believes that the government of the middle class may constitute the best form of the state, in so far as it lies in an intermediate condition between the few rich and the mass of the poor<sup>37</sup>, and its members are not inclined to greed and riots. People belonging to the middle class, just in virtue of their moderate possessions, will be more inclined to obey to reason, unlike those who possess an excessive fortune and will therefore be less prone to obey the dictates of reason<sup>38</sup>. As Aristotle makes explicit at *Pol.* IV, 1295b4-6, moderation and the mean are always the best option to go for, even in the possession of the good things of fortune like wealth.

Members of the middle class are less inclined to indulge in ambition, and also more willing to obey than those who enjoy too many advantages, like strength and wealth<sup>39</sup>; on the other hand, those who suffer from the opposite extreme of lack of any advantage do not advocate any entitlement to power as if they were just slaves<sup>40</sup>. But the main reason why the government of the middle class is the most appropriate to the majority of states is that it better promotes the spirit of friendship needed for the

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attains an ideal height. We shall only be concerned with the sort of life which most men are able to share and the sort of constitution which it is possible for most states to enjoy».

<sup>37</sup> See W.T. Bluhm, 1962, pp. 747-8. Bluhm maintains that Aristotle identifies «in the actual constitution called “Polity” the chief structural principles of the ideal order» (p. 744).

<sup>38</sup> See R. Kraut, 2002, p. 439. However, at pp. 441 Kraut points out that, although Aristotle is «far more interested in contrasting the decency of the middle class with the deficiencies of the masses and traditional elites», the difference between a man of middling resources and a fully realized human being should not be underestimated.

<sup>39</sup> See Aristotle, *Pol.* IV, 1295b12-6.

<sup>40</sup> See Aristotle, *Pol.* IV, 1295b18-21.

stability of a political community. At *Pol.* IV, 1295b23-7, in relation to a state in which the ruled, because of their ignorance as to how to rule, stand to the rulers just as slaves to masters, Aristotle explains:

«Nothing could be farther removed from the spirit of friendship or the temper of a political community. Community depends on friendship; and when there is enmity instead of friendship, men will not even share the same path<sup>41</sup>. A state aims at being, as far as it can be, a society composed of equals and peers [who, as such, can be friends and associates]; and the middle class, more than any other, has this sort of composition».

The middle classes, besides contributing with their friendship to the security of the community, enjoy the greatest security themselves; unlike the poor, they do not covet the goods of others, nor do other people covet their possession, since they do not possess huge fortunes. This will prevent them both from plotting against other classes and from plotting against themselves<sup>42</sup>. In this context, Aristotle is stressing the positive effects of political friendship on the stability of a polis with a predominance of the middle classes; such a kind of friendship will be likely to prevent dangerous conflicts which might damage the common interest of the polis.

When he refers to the issue of political friendship in the middle class, he does not make any reference to the correspondence between justice and friendship which he tries

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<sup>41</sup> ἡ γὰρ κοινωνία φιλικόν, οὐδὲ γὰρ ὁδοῦ βούλονται κοινωνεῖν τοῖς ἐχθροῖς.

<sup>42</sup> See Aristotle, *Pol.* IV, 1295b29-33. For a comment of this passage, see G. Huxley, 1985, pp. 140-1. Huxley points out that polity, although being described here as the best constitution in virtue of its characteristic *mesotēs*, does not attain to the good life for the citizens; rather, its main aim seems to be avoidance of *stasis*. If so, how can polity be taken as the best constitution? Huxley's solution to this problem is that «Aristotle's best state is not a fanciful construction but a practical proposal making use of his empirical knowledge of existing states and linked with his ethical thought»

to establish in Books VIII-IX of the *Nicomachean Ethics*-but he might have done. In these Books, he claims that friendship is proportional to the degree of justice subsisting between friends<sup>43</sup>; if so, given the importance he attaches to the political friendship subsisting in a community ruled by the middle class, we could reach the conclusion that a high level of justice might be found in such a constitution. However, if we consider that the best friendship possible will be friendship according to ethical excellence, we might conclude that the friendship subsisting in a constitution with a predominance of the middle classes, as in a well-balanced polity, is not the best kind of friendship attainable in absolute terms.

Certainly, it will never be the same, perfect, friendship as that subsisting between virtuous citizens in an ideal community. But what Aristotle is doing here is to investigate the best constitution *for the majority of existing states*, i.e. for imperfect political communities, so that it might be reasonable to assume that friendship in a polity is the best kind of friendship attainable in non-ideal communities. However, as far as political friendship is concerned, a problem is left unsolved: given that in a polity not all the citizens will be completely virtuous people and ethical excellence is not one of the ideals pursued by the community, we might think that this kind of political friendship, which is not based on complete excellence of character, will turn out to be less strong than in aristocracies or monarchies, whose rulers employ their ethical excellence and *phronēsis* at the service of the common interest. In other words, in aristocracies and monarchies, whose citizens are supposedly educated to ethical excellence, friendship should be stronger than in a polity just insofar as it would be a friendship based on ethical *aretē*.

My solution to this problem is that, in the *Politics*, political friendship needs to be investigated in relation to the existence of different classes, especially the rich and the

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<sup>43</sup> See Aristotle, *NE* VIII, 1159b26-31; cf. *NE* VIII, 1159b25-6 and *NE* VIII, 1161b6-8.

poor. In existing political conditions, a wide middle class might promote more stability and friendship than a polis in which the rulers govern according to virtue and the subjects are not virtuous. Furthermore, as Aristotle suggests at *Pol.* V, 1307a12-20 (a passage at which I have made some allusions at pp. 288-9 of this chapter), a polity might be more stable than a constitution which inclines more towards oligarchy, just in virtue of the greater number of people who take part in political activity. Given that at *Pol.* V, 1306a23ff. Aristotle describes aristocracies as extremely close to oligarchies, it seems plausible to hypothesize that a polity might be characterised by a higher stability than some kinds of aristocracies; as he explains, both in aristocracies and in oligarchies factions may arise because only a few men have a share in the political honours, so that some of the many, who might think of themselves as equal to the few, might start revolutions. In this respect, the friendship existing in some aristocracies will not be stable.

The type of justice to which political friendship might be proportional in a polity is not necessarily a justice of a universal kind, i.e. that kind of conformity to a law that prescribes actions according the whole of ethical excellence; rather, it might be *particular* justice, described by Aristotle in Book V of the *Nicomachean Ethics*, that is, justice as equal-mindedness and avoidance of *pleonexia*. Friendship as absence of *pleonexia* might be confirmed by the fact that the members of the middle class will not aspire to equal the fortune of the rich, nor will the other classes covet their substance as the poor covet that of the rich<sup>44</sup>. Moreover, rich and poor will never join together to fight against the middle class: neither class will ever accept to form alliances with the other, but they will keep distrusting each other<sup>45</sup>. As Aristotle makes it clear, *pleonexia* is a vice which is likely to be developed among those who cultivate their wealth as a

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<sup>44</sup> See Aristotle, *Pol.* IV, 1295b29-32.

<sup>45</sup> See Aristotle, *Pol.* IV, 1297a2-5.

supreme value to pursue, whereas those who have moderate possessions might develop themselves a spirit of temperance, indispensable for the establishment of justice in interpersonal relationships, both in the private and in the political sphere.

But another form of *pleonexia* might concern also honours; some people might think themselves equal to the rulers in virtue of their being free-born people and aim at power, when they actually lack the expertise needed to perform their role well under a correct constitution. Those who regard themselves as unequal in some respect might extend their feeling of inequality to the sphere of political honours, like wealthy people in an aristocracy for example; in this respect, such people lacking ethical excellence might be *pleonekteis*, trigger political changes towards the worse and so compromise the political friendship existing in their community<sup>46</sup>. Without a substantial middle class, even in an aristocratic constitution there might be a class of poor citizens willing to improve their condition. In such a constitution, political friendship may be at risk. In this respect, as I think, political friendship based on equal-mindedness, although not relying on complete excellence of character on the citizens' part, might secure a long-lasting stability.

As we have seen, Aristotle believes that a moderate possession of good fortune is the basis for the acquisition of moderation. We might even take moderate amounts as a starting point for the acquisition of other virtuous habits; for instance, wise lawgivers like Solon, Lycurgus and Charondas belonged to the middle class<sup>47</sup>, and it also seems appropriate to identify them with the good lawgivers introduced by Aristotle at *NE* VIII, 1155a23-4, where he says that lawgivers should try to promote this sort of

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<sup>46</sup> See Aristotle, *Pol.* III, 1280a 9-14, where he explains that all men refer to some kind of justice, but in many cases they do not express the principle of absolute justice. Cf. also *Pol.* III, 1282b14-23, where he points out that all agree that justice is some sort of equality, but there is a general confusion as to the respects in which one is equal or not.

<sup>47</sup> See Aristotle, *Pol.* IV, 1296a18-22.

political friendship, even more than justice (i.e., as I understand it, a justice conceived as mere obedience to laws; cf. chapters V and VI of this thesis). The importance of the lawgiver in the ruling of a political community is stressed at *Pol.* IV 1296b34ff., where Aristotle insists on the idea that the lawgiver should always pay regard to the middle class. That the good lawgiver needs such a class for the avoidance of inner conflicts in the community is stressed also in Book VI, where, with reference to the different kinds of democracy, he says that the truly democratic statesman needs to make sure that the mass is not too poor; for this reason, he claims, democracy is corrupt<sup>48</sup>.

That is also the reason why measures should be adopted to ensure a lasting prosperity; Aristotle suggests that the proper policy would be to collect any surplus revenue into a fund, and then to distribute this fund in block grants to the poor, so as to enable them to purchase a plot of land or, alternatively, to provide them with the necessary conditions to engage in commerce or agriculture<sup>49</sup>. Again, involvement of the needy in public activity might be useful to develop a spirit of friendship, e.g. by providing the poor with payment for their attendance at the obligatory meetings of the assembly<sup>50</sup>. Examples of such measures can be found at Chartage and Tarentum; in Tarentum, for instance, the rulers try to win the goodwill of the masses by including them in the magistracies; one class with appointments made by election, and the other with appointments made by lot, so that

«the latter will give the people a share in office, while the former will help to ensure a better administration»<sup>51</sup>.

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<sup>48</sup> See Aristotle, *Pol.* VI, 1320a32-5.

<sup>49</sup> See Aristotle, *Pol.* VI, 1320a35-b1.

<sup>50</sup> See Aristotle, *Pol.* VI, 1320b2-4.

<sup>51</sup> Aristotle, *Pol.* VI, 1320b13-14

Similar measures might be taken in oligarchies, where a similar correction is needed; property qualifications must be balanced and persons owning the qualifying property must be allowed to take a share in government; still, even in that case, as Aristotle says at *Pol.* VI, 1320b24-30, the people to share in the government must constantly be brought in from the better class of the common people<sup>52</sup>.

Aristotle is not suggesting that any kind of people should be involved in political activity, and this might be another element of resemblance to an aristocracy, although such people will not be completely virtuous like aristocratic rulers. Aristotle's insistence on a *demos* of good quality to take part in magistracies and various political offices seems to be implicit in his idea that the best form of democracy is of a rural kind, since people without political experience, although in theory they have the possibility of taking part in government, rather devote themselves to agriculture or activities of the same kind<sup>53</sup>. In that case, we can see in a new light Aristotle's suggestion that the poor should be provided with the money necessary to purchase a parcel of land; it might be a way not only of enhancing their conditions and avoiding extreme poverty, which is a cause of rebellion, but it might also be a way of excluding them from the political offices that require expertise and responsibility.

Given all this, even if Aristotle is keen on stressing the need for the inclusion of the mass in public offices in view of the stability of the polis, he still maintains that it is the most suitable people who should participate actively in political life. As he suggests at *Pol.* VI, 1319b12-17, such inclusion

«should stop at the point at which the masses just exceed the combined strength of the notables and the middle class. It should never go beyond this point. Any greater

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<sup>52</sup> ἐκ τοῦ βελτίονος δήμου.

<sup>53</sup> See Aristotle, *Pol.* VI, 1318b11-27.



proportion will at once disturb the balance of the constitution; and it will also incite the notables to chafe still more against democracy».

This belief seems to be consistent with the idea expressed in Book IV, 1297a5-7, according to which

«A neutral arbitrator<sup>54</sup> always gives the best ground for confidence; and ‘the man in the middle’ is such an arbitrator. The better, and the more equitable, the mixture in a ‘polity’, the more durable will it be».

The contribution provided by the middle class to the well-being of the polis, in my opinion, should not overshadow the role played by a just lawgiver, who is in charge of balancing the weights of various social classes in the life of the community. In the construction of a polity, the role of a wise lawgiver seems to be indispensable, both for the stability of the polis, and, as I am going to show in the remainder this chapter, for the making of collective decisions in which the many take part.

In Book III of the *Politics*<sup>55</sup> Aristotle engages in a discussion on the possible reasons why the rule by the *plethos* might be of a good quality. Polity is not explicitly mentioned in the discussion, but it seems reasonable to suppose that the kind of political participation he describes in this context is that of the middle class or very close to it<sup>56</sup>. Apparently, the ideas he displays in this section might be identified with the belief held by the supporters of democracy that any mass whatever is entitled to

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<sup>54</sup> ὁ διαιτητής.

<sup>55</sup> See Aristotle, *Pol.* III, 1281a39-1282a41.

<sup>56</sup> See W.T. Bluhm, 1962, pp. 746-7. Bluhm believes that «Aristotle shows himself particularly well-disposed towards the “Many”, though not on the basis of their *own* claim (numbers and free birth) but on the ground of a claim which he puts forward for them».

participate in political offices, as though any citizen possessed some kind of political competence.

On the face of it, I think that Aristotle might appropriate some common beliefs about the mass and its quality, and make them consonant to his own thought. As I believe, some points in his argument seem to show his reluctance to accept an indiscriminate power of the mass, as some supporters of democracy might. He starts his argument by claiming the defensibility of the idea that the people at large should be sovereign rather than the few best; at *Pol.* III, 1281a42-b3 he explains that

«Each of them [the Many] by himself may not be of a good quality; but when they all come together it is possible that they may surpass-collectively and as a body, although not individually-the quality of the few best. Feasts to which many contribute may excel those provided at one man's expense<sup>57</sup>».

Here, he takes the power of the many as a 'feast to which many contribute'; at *Pol.* III, 1281b4-7 he justifies his claim by saying that

«when there are many [who contribute to the process of deliberation], each can bring his share of goodness and moral prudence; and when all meet together the people may thus become something in the nature of a single person, who-as he has many feet, many hands, and many senses-may also have many qualities of character and intelligence».

Is Aristotle speaking in favour of a collective *phronēsis*, i.e. a kind of wisdom made of individual contributions provided by non-wise people? It seems plausible that the many as a collectivity might be a political force of good quality and, maybe, that individual

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<sup>57</sup> τὰ συμφορητὰ δείπνα.

defects in deliberative and judicial power might be corrected by interaction with other fellow-citizens, for instance in collective discussions; still, the negative conception Aristotle has of democracies might lead us to believe that this cannot be his real belief, unless some further specification is made.

Given what I have said in the previous sections of this chapter, it seems that a mass can be in power and contribute to the well-being of the political community only if a wise lawgiver guides its members; in other words, the mass would give rise to a good form of government only if it abides by the prescriptions of a good lawgiver who acts in view of the happiness of the polis. It is true that, in some respect, the many are better judges than the few; for instance,

«some appreciate one part, some another, and all together appreciate all»<sup>58</sup>,

which might suggest that a single or just a few lawgivers may express limited judgements on political issues and need some kind of confrontation with other members of the polis. Given that people might have different skills and sphere of competence, advice of different kinds might be given by single members of a collectivity, and contribute in this way to a good running of the community; in some cases, we might suppose, they might be as a whole even better than a single good man.

In my opinion, this might be a belief held by common people, and it seems quite strange to suppose that it reflects Aristotle's real thought, especially because, at *Pol.* III, 1281b16-21, he points out that it is doubtful if all the masses can correspond to such a description. If so, what kind of body of citizens should properly exercise *sovereignty*? And, again, what are the matters over which the individual that compose a mass should be sovereign? Aristotle's answer seems to be that it should not be a body of citizens

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<sup>58</sup> Aristotle, *Pol.* III, 1281b9-10.

without any goodness, but, even in this case, it would be dangerous for men who do not have competence in political affairs to share in the highest offices, which may lead them into error and wrongdoing; on the other hand, to exclude such people from political power would cause dissent within the community, which might provoke its ruin, as Aristotle suggests at *Pol.* III, 1281b25-30.

Aristotle's conclusions underline, on the one hand, the need for competent people to be in charge of the highest offices, and, on the other, the necessity to allow the many to have some share in the government to avoid rebellions, with a view to the preservation of the political order. What Aristotle is saying here seems to be in tune with my idea that, in Aristotle's view, a good lawgiver is indispensable for the running of a community, although some contribution by the many is needed. Aristotle does not seem to believe in the power of collective decision; rather, to let such people share in the deliberative and judicial functions is 'the alternative left'<sup>59</sup>, as he explains at *Pol.* III, 1281b31. This is why legislators like Solon gave the people only the functions of electing the magistrates to office and of demanding an account at the end of their tenure of office, but did not entitle them to holding office themselves in their individual capacity<sup>60</sup>.

That Aristotle mentions Solon, well-known for being a wise man, may be indicative of his idea that there should be a lawgiver who involves the citizens in participation in political affairs<sup>61</sup>; however, what is most important in Aristotle's argument is that such people, although having these powers, do not have the power to hold office themselves as individuals, i.e. without being magistrates themselves. Which means that, even though citizens are accorded some functions in the community, still

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<sup>59</sup> This is Barker's translation of the Greek λείπεται.

<sup>60</sup> See Aristotle, *Pol.* III, 1281b32-34.

<sup>61</sup> On the Aristotelian portrait of Solon see R. Weil, 1977, pp. 204-6; cf. M. Chambers, 1961, pp. 24-30.

they do not hold the highest responsibilities, and they are not allowed to deliberate on issues like the way of establishing a constitution, presumably because they do not possess *phronēsis* and do not seem to be able to make important political decisions.

I think that what Aristotle is trying to argue is that the many should have power in a community mainly for the sake of its stability and, as the remainder of the Aristotelian argument seems to suggest, their decisions as a collectivity may be good only under the supervision of a wise lawgiver like Solon. Only in this case, it seems, will a collectivity of non-virtuous men be oriented towards making the right decisions. At *Pol.* III, 1281b34-8 he introduces an analogy in order to show that a cooperation between the people and the wise lawgiver might be more effective than the work of the lawgiver, taken in itself, for the well-being of the community:

«When they all meet together, the people display a good enough gift of perception, and combined with the better class they are of service to the state (just as impure food, when it is mixed with pure, makes the whole concoction more nutritious than a small amount of the pure would be); but each of them is imperfect in the judgements he forms by himself».

Provided that the analogy established by Aristotle between the single individuals of a mass and food betrays his real thought, we might draw two suggestions from it. The first is that pure food does not lose its pure nature by mixing with the impure, which may suggest that the truly wise man will not get corrupted by his working with less-virtuous citizens. The second is that the impure food, once mixed with the pure, contributes to making the whole more nourishing rather than corrupting it. I suggest that Aristotle may hold this analogy to be true, on the condition that the pure element in

a mixture is the main agent from a qualitative point of view, and also on condition that the impure is not 'too impure', as a poisoning substance, for instance, might be.

In that case, according to the analogy, a mass consisting of a few virtuous people mixed with non-virtuous ones would turn out to be good thanks to the leading rule of one or more good rulers, provided that the quality of the many is not too bad. This seems to be confirmed by the idea expressed at line 36, that *the many, combined with the better class, are at service of the state*. If so, the combination with the better class might be the aspect which makes Aristotle say that the government of the *plethos* is admissible in some respect. Only the guide of a wise or more wise lawgivers will make it good and orient it towards a constitution of good quality. The main reason why he believes the masses are important, then, seems to be that they are pivotal for the stability of the constitution in which they live. Aristotle seems to suggest that, even though in some constitutions the many have deliberative power over the most important issues, their decisions should not be made without the guidance of a good lawgiver, or without the indications provided by the laws established by him.

#### ***10.4: Conclusions***

To sum up what has been said in this chapter, I have tried to reconstruct the Aristotelian idea of polity by examining the contributions provided by both the *plethos* and an hypothetical lawgiver engaged in the actualisation of such a constitution. I have chosen to assume as a starting point for my analysis the work of a wise lawgiver who attempts to exercise his *phronēsis* in imperfect existing communities, like oligarchies, democracies or constitutions inclining towards one of them; polity might be seen as the result of the lawgiver's efforts to correct a deviant constitution, by trying to preserve at the same time some of its values with a view to the common interest. The contribution

given by the *plethos* to the polity has not been analysed *per se*, but, rather, as a device employed by the lawgiver in order to guarantee a long-lasting stability and political friendship in the community.

I think that the interpretation of the polity as ‘government of the *plethos*’ or ‘government of the middle class’, or ‘government of the military class’ does not clarify what this form of government actually is, unless the role of the lawgiver and his wisdom are stressed with reference to its realisation. My view is that polity is the kind of constitution which Aristotle has in mind when he thinks of the best constitution for the majority of states, i.e. a constitution in which the middle classes manage to counterbalance the opposite political forces exerted by the wealthy and the poor. In such a constitution, as I believe, we may find the *phronēsis* of a wise man in action, which displays itself in the attempt to avoid inherent conflicts between the rich and the poor. The kind of Aristotelian polity I have tried to outline is close not so much to democracy as to aristocracy.

I have tried to stress the passages in which Aristotle explicitly admits the tight resemblance between the two. Polity should not be interpreted exclusively as a correct form of democracy, because the oligarchical aspect too is included in the activity of correction, and especially because some kind of excellence is involved in the process of correction. In my view, military excellence does not seem to be the excellence employed in the ruling of a polity; rather, I think it might be the excellence that allows the middle class to attain political relevance in the polis and to claim some share of honour. The real excellence which makes a polity a good constitution seems to be the excellence of the lawgiver, whose aim is to promote friendship within the community. The kind of friendship proper to a polity seems to be different from friendship according to ethical excellence, since its members are not trained to that kind of *aretē*; nevertheless, the power of the middle class as a balancing factor might make a political

friendship of this kind more stable than friendship in constitutions whose rulers govern with a view to the ethical excellence of the ruled.

Finally, as for the power of collective decisions, I believe Aristotle admits the role of the mass in deliberative and judicial power only as long as such a role is supervised by wise lawgivers; only if decisions are well-directed, can the *plethos* provide effective contributions to the well-being of the community, and make any judgement issued by a lawgiver more complete.



## Conclusions

*Justice and virtue in general are necessarily a kind of power. To say that power as such is evil or corrupting would therefore amount to saying that virtue is evil or corrupting. While some men are corrupted by wielding power, others are improved by it: "power will show a man".*

Leo Strauss

We have finally come to the end of this itinerary through some of the ethical and political issues treated by Aristotle in his works. I have attempted to investigate the role of wisdom in the exercise of the ruling activity and in the cultivation of goods such as ethical excellence, justice and friendship in political communities. My main concern in this work was to stress the ethical dimension of political expertise as it is conceived by Aristotle, and the way in which such an expertise affects the life of the citizens and the well-being of the polis.

Now I am going to make some conclusive considerations on what has been said so far. The aim of political expertise is to make citizens happy. As it seems to me, in the *Nicomachean Ethics* Aristotle is not suggesting that the happiness of each individual is simply *compatible* to the happiness of the whole of the community; indeed, what he is saying at *NE* I, 1094b7-8 is that the highest good is *the same* both for the community and for each of its members. Given that expert lawgivers work with a view to making citizens *ethically* good, activity according to ethical excellence will be an indispensable component of their happiness, even when some people prefer a life entirely devoted to intellectual activity.

In the present work I did not stress the role of *sophia* in the political community, nor did I suggest that in Aristotle's thought political expertise should play a decisive role in the promotion of intellectual activity; however, I believe that this might be a plausible suggestion, given that Aristotle assumes that the happiness of the community, i.e. the object of political expertise, is the same as the happiness of *all* its members, not all of whom taking an ethical life preferable to one devoted to intellectual activity. As I think, in order to promote complete happiness for each citizen, the polis will not neglect the importance of *sophia*. Still, it seems to me that in the *Nicomachean Ethics* Aristotle's main focus is the ethical aspect of individual and public happiness, in that virtuous activity, justice and friendship will assure the well-functioning of the polis.

Given the role of ethical excellence in the promotion of happiness and the need to make citizens ethically good, wisdom of virtuous lawgivers will work in the polis with a view to developing virtuous habits. Virtuous activity involves the capacity to engage in good deliberation, which, in its turn, requires the *orthos logos* according to which a person will act in the way one should and in the required circumstances. Such a kind of rationality, alongside ethical excellence, will come about from habit and experience both in the private and in the public life.

Education to ethical excellence and wisdom may be provided not only by people intimately linked to the 'still non-virtuous' individuals, like a father for example, but also by wise laws, i.e. laws enjoining activity according to ethical excellence, or by examples of good conduct offered by lawgivers. It seems that obedience to good laws represents a path towards not only the development of the *orthos logos* proper to a virtuous individual, but also the achievement of justice in the polis.

When at *NE* V, 1129a33 Aristotle reports the commonly held view that the just is what is lawful, he seems to accept it, still without attempting to reduce justice to obedience to any law whatever; by contrast, justice will coincide with obedience to law

when such a law enjoins virtuous activity and is established according to the art of a virtuous lawgiver, with a view to promoting the advantage and the happiness of the whole of the community. As it seems, the Aristotelian idea of justice is not the outcome of an uncritical obedience to law. That Aristotle starts his account of justice by defining it as a disposition of character<sup>1</sup> suggests that just actions will come about from the corresponding state of character rather than from of obedience to law *per se*; not least because one might stick to law without being intrinsically just, e.g. simply out of fear of punishment or out of shame.

We have seen in which respect justice, which is taken by Aristotle as a disposition of character, differs from the other ethical excellences: unlike the latter, which do not necessarily involve other people, justice is always connected to one's actions in relation to one's fellows. I have tried to show that, when Aristotle speaks of justice in Book V of the *Nicomachean Ethics*, it is *political* justice that he has in his mind, and not merely justice in private relationships.

In this book Aristotle distinguishes two senses in which justice can be taken: justice as including the whole of the ethical excellences, i.e. 'universal' justice, and justice as *isotēs*, i.e. 'particular' justice. As we have seen, Aristotle seems to speak of particular justice in two different senses, although deeply connected to each other; the first is *isotēs* as an *hexis*, i.e. as an individual disposition according to which one is not committed to get more than is due to one, presumably in a political community; the second is *isotēs* as a kind of structure on which political life is grounded.

My view is that particular justice conceived in the first sense makes *isotēs* a proper ethical excellence, although differing from the others insofar as cannot be practised by an agent without any relation to other individuals. I have also suggested that particular justice as *isotēs* is not simply a part of universal justice, in the same way

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<sup>1</sup> See Aristotle, *NE* V, 1129a6-7.

as each of the ethical excellences is; rather, particular justice seems to be *at the basis* of universal justice, given that one will not exercise the ethical excellences belonging to universal justice without being *isos* to one's fellows in the community. In other words, just actions in the universal sense can be taken as acts of *isotēs* in the community, aimed at establishing a right proportion of goods to be distributed and preserved for each citizen.

Now, it seems that, in a virtuous community, justice so conceived will not consist exclusively of a network of laws set up by the wisdom of political experts; rather, the individual contribution of the citizens will be required for the establishment of full justice in the community. In this respect, wisdom of rulers will not be sufficient to secure the order and the stability proper to a good political community; involvement of citizens will be indispensable for the actualisation of full justice in the community.

The need to educate people to justice seems to be confirmed by Aristotle's insistence that wise rulers should promote friendship among the citizens. As it seems to me, Aristotle takes political friendship as a real form of friendship, insofar as it is grounded in reciprocity, which displays itself in the form of mutual well-wishing, and also in the awareness of the established relationship. On the other hand, the bonds of friendship subsisting between people who do not know each other will inevitably differ from those typical of intimate friendships. The way in which friendship between fellow-citizens will display itself is, as I believe, in the form of activity according to justice, which will replace the form of intimate love typical of friends according to ethical excellence.

I believe that Aristotle's distinction between friendship grounded in utility and friendship grounded in ethical excellence may mirror different levels of justice; to justice conceived as an ethical disposition will correspond a kind of political friendship based on ethical excellence, whereas to mere 'legal' justice a kind of friendship

grounded in utility. I also think that, in Aristotle's thought, the relationship between justice and political friendship is not only one of correspondence. Given that political friendship will not stem from the same kind of intimate sharing between friends who know each other well and spend their lives together, it seems that just actions towards one's fellows will establish friendly feelings, although more 'impersonal'.

Friendship, although promoted by political experts, will not be realised in the polis without the active contribution of citizens. What Aristotle intends to show is that friendship is a stronger form of involvement of citizens in political life than mere 'legal' justice.

When Aristotle discusses the notion of justice in the *Nicomachean Ethics*, he does not seem to be referring to a specific kind of polis; its principles are rather universal, i.e. applicable to any community which aims at the happiness of its members. The universal validity of justice is expressed by the notion of *to phusikon dikaion*, i.e. that kind of justice whose principles are the same everywhere, independently of the difference of political context. As we have seen, natural justice is not detached from convention in Aristotle's thought; besides those conventional enactments which pronounce on neutral issues, there are also laws which, if established in a different way, might compromise the well-being and the goodness of political communities, like enactments on the distribution of honours and wealth, or decrees aimed at rectifying unjust actions; in other words, political measures which would fail to attain full justice if not properly established.

The concept of conventional law is not illustrated by reference to these kinds of agreements; which, as I propose, suggests that they are considered as principles of natural justice. If my suggestion is plausible, not only will these kinds of conventional enactments be connected in some way to natural justice, but, even more, they will be themselves examples of the instantiation of natural justice in political life. Such

principles will be universally valid before being put into convention; which is what allows us to take universal justice as 'the same everywhere'. Equally, natural principles will be instantiated in a different way according to the conditions and the needs of each community, and that would be the respect in which natural justice, although being the same everywhere, is changeable; a changeability which, as I have proposed, is not only a matter of different interpretations of the notion of natural justice, but, rather, of different applications of indeterminate principles of natural justice according to the specific condition of each community. If so, that natural justice is universally valid before being put into convention may encourage us to think that it is an indeterminate notion, but not that it is an unattainable idea.

Aristotle's notion of universal justice sheds a new light on the relationship between real and ideal constitutions; the notion of 'best constitution' turns out to represent an ideal realisable (although only to some extent) in real political constitutions. This will be the task of the true political expert, who, unlike any common citizen in any polis whatever, possesses authentic *phronēsis*. *Phronēsis*, which, as we have seen, is the excellence proper to good men, seems also to be the absolute standard according to which a ruler will be taken as virtuous; in this respect, his excellence will vary from that of a common citizen, whose goodness relies on his capacity to contribute to the safety of the constitution to which he belongs.

As I read Aristotle's arguments at *Pol.* III, 1276b16-1277b32, only in the ideal community will any citizen whatever be equipped with ethical excellence and *phronēsis*, and be capable of ruling well; in that case, those who are good *citizens* will also be good *men*. But, in my view, wise lawgivers will not be found exclusively in the ideal state. That the *phronēsis* of a good ruler is treated as an excellence which does not depend on the quality of the constitution in which he rules may pave the way for the possibility that a good ruler may govern in a deviant constitution. Even more, I think

that such a ruler will be allowed to some extent to improve the conditions of his community, without necessarily changing the values promoted by defective constitutions; values which, as it seems, are constitutive of the happiness of each polis (e.g. money or freedom).

Polity is the example of a good constitution consisting in a mixture of the characteristic features of two deviant constitutions: democracy and oligarchy; I have tried to show that polity might stem from an activity of correction, undertaken by political experts, of the deviant forms of government mentioned above. I take polity as the constitution that mostly expresses a display of wisdom by political experts in existing, imperfect political conditions. The wisdom of people in power might express itself in the rulers' attempt to avoid conflicts between different social groups and in their willingness to establish some degree of friendship in the political community. In this respect, the friendship which wise rulers will try to establish in the polity might not be grounded in complete excellence of character, but, presumably, in some form of *isotēs*.

To conclude, Aristotle believes that the intervention of wise rulers in the life of the polis plays a crucial role in the realisation of its happiness; however, the role of the ruled in such a realisation should not be downplayed. Activity according to ethical excellence on both the rulers' and the ruled's part will contribute to making justice and friendship in the polis of higher quality.

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